

MINUTES

OF THE

NATURAL RESOURCE COMMISSION

MEETING

MARCH 8, 2007

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by Chairperson Joan Schneider at 8:30 a.m. on Thursday, March 8, 2007 at the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Joan Schneider
Carol Kramer
Lennis Moore (by phone)
Richard Kim Francisco
Elizabeth Garst

MEMBERS ABSENT

Janice Marcantonio

APPROVE AGENDA

Note was made that a construction project at Ventura Marsh would be added to the agenda. Item 16 was removed from the agenda.

Motion was made by Commissioner Kramer to approve the March 8, 2007 NRC agenda as amended. Seconded by Commissioner Garst. Motion carried unanimously.

AGENDA APPROVED AS AMENDED

APPROVE MINUTES

Motion was made by Commissioner Francisco to approve the minutes of the February 8, 2007 Natural Resource Commission meeting. Seconded by Commissioner Kramer. Motion carried unanimously.

MINUTES APPROVED

CONSTRUCTION PROJECTS

Linda Hanson, Administrator, Management Services Division, presented the following item.

Bids were opened February 21, 2007 for the following projects:

Lake Icaria State Park, Adams County – HMA Paving

This project consists of HMA paving and HMA resurfacing throughout Lake Icaria State Park and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% in Parks and Institutional Roads funds (see Capital Link item #73). DNR estimate is \$311,500. Twelve sets of Plans were issued. Four bids were received.

Blacktop Service Co.	Humboldt, IA	\$384,741.35
Henningsen Const., Inc.	Council Bluffs, IA	\$400,953.52
Western Engineering Company Inc.	Harlan, IA	\$422,680.69
Grimes Asphalt and Paving Corp.	Grimes, IA	\$522,252.20

Staff recommends award of a contract to Blacktop Service Co., low bidder.

Motion was made by Commissioner Kramer to approve the low bid of Blacktop Service Co. of Humboldt, Iowa, in the amount of \$384,741.35 for HMA paving work at Lake Icaria State Park. Seconded by Commissioner Garst. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Harper's Ferry Access, Allamakee County – Walkway and Floating Pier

This project consists of the construction of a PCC paving of a handicapped access walkway, floating fishing pier and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 75% in Federal Dingle-Johnson and 25% in Fish and Wildlife Trust funds (see Capital Link item #9). DNR estimate is \$60,000. Twenty-three sets of Plans were issued. Six valid bids were received.

Matt Construction, Inc.	Sumner, IA	\$ 78,965.00
Voss & Sons Construction	La Crescent, MN	\$ 81,190.00
F. L. Krapfl, Inc.	Dyersville, IA	\$ 87,488.00
Riehm Construction, Inc.	Waukon, IA	\$113,759.40
McCubbin Construction Corp.	Davenport, IA	\$127,063.00
Connolly Construction, Inc.	Peosta, IA	\$134,175.00

Staff recommends award of a contract to Matt Construction, Inc., low bidder.

Motion was made by Commissioner Garst to approve the low bid of Matt Construction, Inc. of Sumner, Iowa, in the amount of \$78,695.00 for walkway and floating pier construction at Harper's Ferry Access in Allamakee County. Seconded by Commissioner Francisco. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Big Creek State Park, Polk County – Trail Program Building – Rebid

This project consists of the construction of a one story, pre-engineered wood type building with metal roofing/siding, approximately 40 feet x 80 feet, one unheated storage bay, two heated bays, two offices, a meeting/project room, and a restroom. The work also includes some concrete and class "A" crushed stone paving, pier and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted in REAP Land Management and REAP Open Spaces funds (Project from FY 2006). DNR estimate is \$280,000. Forty-two sets of Plans were issued. Four bids were received.

Koester Construction	Grimes, IA	Geothermal HVAC: \$293,355.76 Standard HVAC (alternate#1): \$281,355.76
Bergstrom Construction Inc.	Des Moines, IA	Geothermal HVAC: \$343,757.14 Standard HVAC (alternate#1): \$304,757.14
Pinnacle Construction Group LLC	West Des Moines, IA	Geothermal HVAC: \$311,119.81 Standard HVAC (alternate#1): \$305,344.81
Hymbaugh Construction	Mount Ayr, IA	Geothermal HVAC: \$356,885.00 Standard HVAC (alternate#1): \$316,885.00

Staff recommends award of a contract to Koester Construction, low bidder, with Geothermal HVAC for \$293,355.76.

Motion was made by Commissioner Moore to approve the bid of Koester Construction of Grimes, with Geothermal HVAC for the amount of \$293,355.76 for the trail program building at Big Creek State Park in Polk County. Seconded by Commissioner Garst. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Lost Grove WMA, Scott County – Five Sediment Ponds

The work consists of the construction of five compacted earthfill sediment basins and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 75% in EPA and 25% in Lake Restoration funds (see Capital Link item #103). DNR estimate is \$50,000. Thirty-one sets of Plans were issued. Twelve valid bids were received.

Lee Koenig, dba Koenig Construction	Marengo, IA	\$ 47,637.45
S2 Construction LLC	Bellevue, IA	\$ 52,879.50
Matthew Winslow, dba Winslow Excavating	Le Claire, IA	\$ 54,662.28
Smith Seeding, Inc.	Eldridge, IA	\$ 57,090.00
Engelbrecht Farms, Inc.	Davenport, IA	\$ 58,147.27
Weavers Inc.	Tipton, IA	\$ 58,264.50
Vieth Construction Corp.	Cedar Falls, IA	\$ 62,382.00
McCubbin Construction Corp.	Davenport, IA	\$ 74,228.00
Triple B Construction Corp.	Wilton, IA	\$ 76,036.20
Alliance Concrete Construction, Inc.	Davenport, IA	\$ 77,923.50

Brandt Construction Co., Inc.	Milan, IL	\$102,623.85
Valley Construction Company	Rock Island, IL	\$142,195.00

Staff recommends award of a contract to Lee Koenig, dba Koenig Construction, low bidder.

Motion was made by Commissioner Francisco to approve the low bid of Lee Koenig, dba Koenig Construction of Marengo, Iowa in the amount of \$47,637.45 for sediment ponds at Lost Grove Wildlife Management Area in Scott County. Seconded by Commissioner Moore. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Prairie Rose State Park, Shelby County – PCC Paving

This project consists of construction and PCC paving of a new cabin access roadway and other related work as required by the plans and the DNR Construction Inspector. Project is budgeted 100% in Parks and Institutional Roads funds (see Capital Link item #78). DNR estimate is \$190,000. Sixteen sets of Plans were issued. One bid was received.

Ten Point Construction, Inc.	Denison, IA	\$154,865.70
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Staff recommends award of a contract to Ten Point Construction, Inc., sole bidder.

Motion was made by Commissioner Francisco to approve the bid of Ten Point Construction, Inc. of Denison, Iowa, in the amount of \$154,865.70 for PCC Paving at Prairie Rose State Park in Shelby County. Seconded by Commissioner Kramer.

Short discussion ensued regarding the use of PCC Paving versus asphalt paving.

Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Fort Atkinson, Winneshiek County – Replace Steps and Trail

This project consists of the removal of the existing trail stairs access from town to the fort and the construction of a new concrete step and sidewalk system at an alternate location. The project also includes a small section of steps at the church entrance on site and suitable site restoration at all three locations as shown on the Drawings and incidental work as required by the Plans. Project is budgeted 100% in Fort Atkinson Appropriation funds (see Capital Link item #167). DNR estimate is \$85,000. Fifteen sets of Plans were issued. Four bids were received.

Hubka Construction, Inc.	Mabel, MN	\$43,649.00
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Wicks Construction, Inc.	Decorah, IA	\$64,350.00
Peters Construction Corp.	Waterloo, IA	\$79,555.00
Matt Construction, Inc.	Sumner, IA	\$88,525.00

Staff recommends award of a contract to Hubka Construction, Inc., low bidder.

Motion was made by Commissioner Garst to approve the low bid of Hubka Construction, Inc. of Mabel, MN in the amount of \$43,649.00 for step replacement and trail work at Fort Atkinson in Winneshiek County. Seconded by Commissioner Kramer. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Red Haw State Park, Lucas County – HMA Parking Paving

This project consists of the HMA paving of parking area and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% in Marine Fuel Tax funds (see Capital Link item #110). DNR estimate was \$25,000. Four sets of Plans were issued. One bid was received.

Norris Asphalt Paving Co.	Ottumwa, IA	\$33,446.00
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Staff recommends award of a contract to Norris Asphalt Paving Co., sole bidder.

Motion was made by Commissioner Kramer to approve a contract to Norris Asphalt Paving Co. of Ottumwa, Iowa, in the amount of \$33,446.00 for parking area paving at Red Haw State Park in Lucas County. Seconded by Commissioner Garst. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Bids will be opened February 28, 2007 for the following project:

Riverton WMA, Fremont County – Pump Replacement

This project consists of the replacement of an existing diesel engine-driven pump with a 3-phase, 460 volt, 315 hp electric motor-driven pump with 30,000 gpm capacity including modifications to the existing pumping station and other related work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% Fish and Wildlife Trust Non-habitat Stamp funds. (see Capital Link item #42). DNR estimate is \$80,000. Seven sets of Plans were issued. Two bids were received.

Hamburg Electric	Hamburg, IA	\$274,660.00
TEK Builders, Inc.	Mt. Ayr, IA	\$279,967.00

Staff recommends rejecting all bids and re-bidding the project.

Motion was made by Commissioner Moore to reject all bids and rebid the project. Seconded by Commissioner Francisco.

Discussion continued regarding the requirements for the pump replacement as well as the cost of the project. Basil Nimry noted that the DNR estimate of \$80,000 was for the pump only and did not include the related work required for the project.

Linda Hanson explained that future construction items will not include the Department's estimate until after the bid opening. Also pointed out is that this project needs to be completed soon and will be rebid as quickly as possible. A telephone meeting will be scheduled before the next meeting in April.

Motion to reject carried unanimously.

CONSTRUCTION BIDS REJECTED

Riverton WMA, Fremont County – Electrical Distribution System

This project consists of the furnishing of all materials and labor to install primary high voltage distribution system consisting of overhead conductor, poles, transformers, applicable electrical meters and a connection to MidAmerican Energy's existing overhead electric distribution system. Project is budgeted 100% Fish and Wildlife Trust Non-habitat Stamp funds (see Capital Link item #42). DNR estimate is \$50,000. MidAmerican Energy, Inc. is the sole source of this service.

Staff recommends award of a purchase order to MidAmerican Energy, Inc., sole source, in the amount of \$58,432.74 to power the replacement pump.

Motion was made by Commissioner Francisco to award a purchase order to MidAmerican Energy, Inc., sole source, in the amount of \$58,432.74 for an electrical distribution system at Riverton Wildlife Management Area in Fremont County.

PURCHASE ORDER APPROVED

Bids were opened March 6, 2007 for the following projects:

Riverton WMA (Johnson Tract), Fremont County – Structure Reconstruction

This project consists of the replacement of existing outlet pipe, compacted earthfill dike repair and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% Fish and Wildlife Non-habitat Stamp funds (see Capital Link item #118). DNR estimate is \$32,500. Twelve sets of Plans were issued. Four bids were received.

Whitehead Farms Construction, Inc.	Sidney, IA	\$31,087.40
Weaver's, Inc.	Tipton, IA	\$35,084.50
Nelson & Rock Contracting, Inc.	Onawa, IA	\$40,950.00
TEK Builders, Inc.	Mount Ayr, IA	
\$43,322.00		

Staff recommends award of contract to Whitehead Farms Construction, Inc., low bidder.

Motion was made by Commissioner Kramer to approve a contract to Whitehead Farms Construction, Inc. of Sidney, Iowa, in the amount of \$31,087.40 for reconstruction work at the Riverton Wildlife Management Area (Johnson Tract) in Fremont County. Seconded by Commissioner Garst. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Prairie Rose State Park, Shelby County – Campground Improvements and Water Distribution System

This project consists of the replacement and extension of existing water supply system, replacement and extension of existing electrical system, camp pad construction, and an alternate of sanitary sewer extension and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% REAP Open Spaces Acquisition and Development funds (see Capital Link item #146). DNR estimate is \$378,000. Ten sets of Plans were issued. Four bids were received.

Bedford Building Supply, Inc.	Bedford, IA	\$384,993.40
	Sewer alternate included:	\$394,095.90
McCarthy Trenching, LLC	Avoca, IA	\$388,072.70
	Sewer alternate included:	\$403,645.20
Schoon Construction, Inc.	Cherokee, IA	\$407,314.03
	Sewer alternate included:	\$425,457.53
M-Z Construction, Inc.	Linden, WI	\$753,045.00
	Sewer alternate included:	\$776,145.00

Staff recommends award of contract to Bedford Building Supply, Inc., low bidder with Sewer alternate included for \$394,095.90.

Motion was made by Commissioner Francisco to approve a contract to Bedford Building Supply, Inc., with sewer alternate included for the amount of \$394,095.90 for campground improvements and a water distribution system at Prairie Rose State Park in Shelby County. Seconded by Commissioner Moore. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Dolliver State Park, Webster County – Riverbank Stabilization

This project consists of placement of riverbank revetment along the Des Moines River and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% in Marine Fuel Tax funds (see Capital Link #110). DNR estimate is \$110,000). Seventeen sets of Plans were issued. Twelve bids were received.

Fort Dodge Asphalt Co., Inc.	Fort Dodge, IA	\$ 92,850.00
Richards Construction Co., Inc.	Sac City, IA	\$ 96,750.00
Lessard Contracting, Inc.	Sergeant Bluff, IA	\$ 97,387.50
L. A. Carlson Contracting, Inc.	Merrill, IA	\$103,087.50
Ingraham Construction, Inc.	Webster City, IA	\$105,937.50
Weaver's, Inc.	Tipton, IA	\$108,750.00
L/M Ventures Corp.	DeSoto, IA	\$118,312.50
Peterson Contractors, Inc.	Reinbeck, IA	\$123,750.00
Nelson & Rock Contracting, Inc.	Onawa, IA	\$127,500.00
S2 Construction, LLC	Bellevue, IA	\$132,000.00
Reutzel Excavating, Inc.	Burt, IA	\$136,875.00
Vosberg Enterprises, Inc.	Farnhamville, IA	\$146,625.00

Staff recommends award of contract to Fort Dodge Asphalt Co., low bidder.

Motion was made by Commissioner Kramer to approve the low bid of Fort Dodge Asphalt Co., Fort Dodge, Iowa, in the amount of \$92,850.00 for riverbank stabilization at Dolliver State Park in Webster County. Seconded by Commissioner Garst. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Ventura Marsh WMA, Cerro Gordo County—Headquarters Site Grading

This project consists of clearing and grubbing, excavation and culverts for site of future headquarters building and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% in Fish and Wildlife Trust Non-habitat Stamp funds see Capital Link #41). Fourteen sets of Plans were issued. Seven bids were received.

Cole Excavating, Inc.	Greene, IA	\$34,010.00
Holland Contracting Corp.	Forest City, IA	\$34,801.50
C. J. Moyna & Sons, Inc.	Elkader, IA	\$36,583.44
Yohn Co., dba The Excavating Co.	Clear Lake, IA	\$39,298.00
Todd Hanson Construction	Clear Lake, IA	\$45,580.00
Peterson Contractors, Inc.	Reinbeck, IA	\$46,232.00
Rognes Bros. Excavating, Inc.	Lake Mills, IA	\$48,988.00

Staff recommends award of a contract to Cole Excavating, Inc., low bidder.

Motion was made by Commissioner Garst to approve the low bid of Cole Excavating, Inc. of Greene, Iowa, in the amount of \$34,010.00 for grading work at Ventura Marsh Wildlife Management Area in Cerro Gordo County. Seconded by Commissioner Kramer. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

LAND ACQUISITION

Linda Hanson, Administrator, Management Services Division, presented the following item.

Missouri River, Pottawattamie County—Gibson Bend/Interagency Transfer of Jurisdiction U.S. Highway 275

The Natural Resource Commission's approval is requested for a "Real Estate Agreement and Interagency Transfer of Jurisdiction" and "Temporary Easement Purchase Agreement" as a result of a project for replacement of the U.S. Highway 275 bridge over the Missouri River. This improvement project extends from near 16th Street in Omaha, Nebraska, east to 1.11 miles east of the Iowa/Nebraska State line. Consideration for this permanent transfer of jurisdiction is Mutual Benefit.

As a result of the highway improvement project the "off-highway vehicle" (OHV) parking lot that serves the IDNR-owned River Valley ATV Park (Park) will be impacted. The impact to the OHV parking lot will be mitigated as set forth in a Memorandum of Agreement (MOA) and required in the Environmental Impact Statement (EIS) and Record of Decision (ROD).

The MOA originally placed the parking lot west of the levee, but the location was amended in the ROD to the east side of the levee. In lieu of the DOT acquiring additional right-of-way for the parking lot on the east side of the levee, the IDNR agrees to pay for all costs to install the security fence, security gates, and security lighting for the parking lot. The IDNR will reimburse the DOT for all costs of these items upon completion of construction of the mitigation area.

The mitigation area is to be approximately 489 feet by 330 feet and provide 142 parking stalls; be paved with 6 inches of Hot Mix Asphalt pavement on a 12-inch aggregate base; and include an access road from U.S. Highway 275 and parking lot entrance from the access road that is paved 24 feet wide.

A temporary access from the new OHV parking lot to the Park for the use during construction of the bridge will be constructed. Upon completion of the bridge project, a permanent access trail will be constructed to provide two-way traffic for users to access the trails and training area. The permanent access will be paved with 6 inches of HMA on a 12-inch aggregate base. The access road, parking lot, and temporary access to the Park are to be constructed prior to the removal of the current access and parking lot.

The DOT and DNR will cooperate on the mitigation of the OHV parking lot in accordance with the following:

- The DOT agrees to purchase the mitigation area in the name of the State of Iowa, for the benefit and use by the DNR, at no cost to the DNR; design, let, and construct the mitigation area; and minimize any disruption to the use of the Park during construction.
- The DNR agrees to accept title to the mitigation area; allow the DOT to complete construction within the mitigation area; coordinate with the city of Council Bluffs and the River Valley Trail Riders, and act as their representative for all project development issues; and reimburse the DOT for the actual costs to construct and install the security fencing, security gates and security lighting for the parking lot.

Said real estate agreement and interagency transfer of jurisdiction is authorized by Chapter 28E and Sections 306.4, 306A.5, and 306A.7 of the Iowa Code.

Motion was made by Commissioner Kramer to approve a “Real Estate Agreement and Interagency Transfer of Jurisdiction” and “Temporary Easement Purchase Agreement” as a result of a project for replacement of the U.S. Highway 275 bridge over the Missouri River. Seconded by Commissioner Francisco.

Discussion ensued regarding the location of the OHV park as well as the location of the parking lot. Note was made that this agreement is an improvement for the park.

Motion carried unanimously.

AGREEMENT AND TRANSFER OF JURISDICTION APPROVED

Loess Hills State Forest, Headquarters Unit, Harrison County--Miller

The Department was the successful bidder at a land auction of a 0.26-acre tract of land in Pisgah on February 17, 2007. Denny Stoner represented the Department at the land auction with a successful bid of \$4,500. Rick Hansen, Licensed Appraiser, estimated the value of the tract at \$6,000 prior to the auction. The sellers of the property are Melanie and Chester Miller.

The Natural Resource Commission approved a representative of the Department to attend this land auction and bid on the property in closed session at its meeting in Des Moines on February 8, 2007.

This 0.26 acre tract (approx. 60 Ft. by 160 Ft.) consists of 2 abutting rectangular-shaped lots zoned for multi-use. The property has street frontage/access on the east side. Currently, there is an abandoned trailer home and a small storage shed that will sell as part of the realty. These buildings are of no market value.

The property is located adjacent north of the Loess Hills Headquarters Unit in Pisgah. In November 2005, the Natural Resource Commission approved the purchase of a 1-acre tract containing a large steel Quonset building from Harrison County at a price of \$28,600. We closed on this tract in February 2006. This past acquisition is adjacent south of the tract acquired at public auction.

This acquisition will buffer the Headquarters Unit from other landowners; eliminate the need for a fence; add additional parking and storage, and continue building of community relations (property clean-up).

Acquisition funding will be provided by 100% REAP Open Spaces. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

INFORMATION ITEM

Sandy Point Bend Wildlife Management Area, Harrison County—Papio-Missouri River Natural Resources District

The Natural Resource Commission's approval is requested to sell a tract of land located on the Nebraska side of the Missouri River in Harrison County. The Papio-Missouri River Natural Resources District (NRD) offers to purchase this 321-acre tract, less the banks and the bed of the Missouri River as it presently exists for the appraised price of \$263,861. This divestiture will be subject to a public trust condition requiring that the parcel be held as public grounds for public conservation purposes.

Donald Kearn, Licensed Appraiser of Atlantic, Iowa, submitted the appraisal. Rick Hansen negotiated the sale agreement.

This tract is sovereign land lying westerly of the centerline of the Missouri River and easterly of the 1943 Iowa-Nebraska Compact Line. The property is located about 7 miles southwest of Mondamin. The State of Iowa will retain approximately 70 acres (reflecting the banks and the bed of the Missouri River) of the surveyed 321 acre tract. The level tract is comprised of softwood timber and grassland. There are no building improvements. Access to the property is extremely limited from the Nebraska side of the Missouri River.

The proceeds from this sale will be earmarked to purchase Missouri River floodplain property on the Iowa side of the river next to existing state land. The Department will pay for a land survey, if required. No fencing costs are anticipated. Incidental closing costs will be the responsibility of the Papio-Missouri River NRD.

<i>Motion was made by Commissioner Garst to approve the sale of a tract of land at Sandy Point Bend Wildlife Management Area located on the Nebraska side of the Missouri River in Harrison County to the Papio-Missouri River Natural Resources District for the appraised price of \$263,861. Seconded by Commissioner Kramer.</i>
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Discussion continued regarding these types of properties along the Missouri River. Ken Herring noted that Michael Smith from the Attorney General's Office has been working to "clean up" pieces of properties along the Missouri River in order to document protection of areas for public conservation purposes.

Motion carried unanimously.

LAND SALE APPROVED

Little Sioux Bend Wildlife Management Area, Harrison County—Papio-Missouri River Natural Resources District

The Natural Resource Commission's approval is requested to sell a tract of land located on the Nebraska side of the Missouri River in Harrison County. The Papio-Missouri River Natural Resources District (NRD) offers to purchase this 191-acre tract for the appraised price of \$185,835. This divestiture will be subject to a public trust condition requiring that the parcel be held as public grounds for public conservation purposes.

Donald Kearn, Licensed Appraiser of Atlantic, Iowa, submitted the appraisal. Rick Hansen negotiated the sale agreement.

This tract is sovereign land lying westerly of the west bank of the Missouri River and easterly of the 1943 Iowa-Nebraska Compact Line at Little Sioux Bend. The property is located about 2 miles southwest of Little Sioux. This level tract is comprised of softwood timber and grassland. There are no building improvements. Access to the property is extremely limited from the Nebraska side of the Missouri River.

The proceeds from this sale will be earmarked to purchase Missouri River floodplain property on the Iowa side of the river next to existing state land. No surveying costs or fencing costs are anticipated. Incidental closing costs will be the responsibility of the Papio-Missouri River NRD.

Motion was made by Commissioner Kramer approve the sale of approximate 191 acres of land at the Little Sioux Bend Wildlife Management Area located on the Nebraska side of the Missouri River in Harrison County for the appraised price of \$185,835. Seconded by Commissioner Garst. Motion carried unanimously.

LAND SALE APPROVED

Waterman Creek Prairie, O'Brien County—The Nature Conservancy

The Natural Resource Commission's approval is requested for the acquisition of a tract of land located in O'Brien County. This 78-acre tract is offered by The Nature Conservancy for the appraised price of \$197,000.

Rich Vander Werff and Kally Mouw, Licensed Appraisers of Wander Werff and Associates, Inc., Sanborn, Iowa, submitted the appraisal. Jerry Gibson negotiated the purchase agreement.

The property is located approximately four miles northwest of the town of Peterson overlooking the Little Sioux River, and surrounded on three sides by the Waterman Creek Prairie Wildlife Management Complex. The tract is accessible from a local county road on the north side of the

main body of the tract. The property consists of 26.4 acres of tillable land, 49 acres of woodland and prairie, and 3 acres of road right-of-way and waste. This parcel will improve public access and wildlife/prairie management. The Nature Conservancy classifies the native plant communities on the site as Northern Little Bluestem Gravel Prairie and Northern Bur Oak Openings. Both plant communities are very uncommon within the region and are listed as a priority within the Nature Conservancy's Northern Tallgrass Ecoregional Plan.

The property will be managed by the Wildlife Bureau. No fencing or surveying costs are anticipated. The CSR rating just for the tillable acres is 67.

Seventy-five percent (\$147,750) of acquisition funding will be provided from the REAP-Public/Private Fund, and 25% (\$49,250) will be donated by the O'Brien County Sportsman's Club. Incidental closing costs are the responsibility of the Department. The property will remain on the O'Brien County property tax rolls with annual payment from the REAP fund.

Motion was made by Commissioner Francisco to approve the acquisition of a 78 acre tract of land at the Waterman Creek Prairie in O'Brien County for the appraised price of \$197,000. Seconded by Commissioner Kramer. Motion carried unanimously.

LAND ACQUISITION APPROVED

Sweet Marsh Wildlife Management Area, Bremer County—Leo Sauerbrei

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Bremer County, adjacent to the east side of Sweet Marsh Wildlife Management Area. The 81-acre parcel is offered by Leo Sauerbrei for the appraised price of \$77,000.

William Burkle, Licensed Appraiser, of Hampton, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in north central Bremer County, Iowa. The small rural community of Frederika is approximately five miles northwest. The topography ranges from nearly level to gently sloping. The NRCS is in the process of acquiring a WRP easement on the property. The DNR will then purchase the residual or remaining property rights.

The property has good potential for deer, turkey, waterfowl and furbearer habitat. This acquisition will become part of the 2,400-acre Sweet Marsh Wildlife Management Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding for the acquisition will be provided by the North American Wetlands Conservation Act (NAWCA) (see Capital Link item #5). Survey and incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Garst to approve the purchase of an 81 acre parcel of land at the Sweet Marsh Wildlife Management Area in Bremer County for the appraised price of \$77,000. Seconded by Commissioner Kramer. Motion carried unanimously.

LAND ACQUISITION APPROVED

DIRECTOR'S REMARKS

Director Leopold announced that today is funnel day at the Legislature so staff will be working on those bills that do survive. He reported that the Natural Resources and Agriculture Appropriations Committee has gone over and above some of the Governor's recommendations for this department. He explained that in defense of Governor Culver, his budget was inherited from the previous Governor and the deletion of REAP money and the money for the Yarnes property at Spirit Lake were errors of omission. Staff is advocating and hoping funding for those items is included in another type of appropriation.

Director Leopold related that the joint committee of the House and Senate Natural Resources and Ag passed out of the committee a \$4 1/2 million increase for REAP, which raises REAP to \$15 1/2 million by raising the cap in Environment First to \$40 million. Other legislation DNR has been advocating for is \$490,000 for state parks, \$500,000 to redo the State Water Plan, \$125,000 for a ranger at Honey Creek and for work on the Emerald Ash Borer.

Discussion ensued regarding the Emerald Ash Borer. Leopold said that while there has been talk with ISU and the forestry people, the Emerald Ash Borer is already here and money and awareness of the legislature and other bodies is essential. Noted was the potential impact to the 70 million ash trees in this state as well as impacts to cities and state parks and nurseries. He said that the Department of Agriculture has regulatory authority and there are programs such as controlling travel of firewood from across state lines, but it is essential the state starts aggressively dealing with Emerald Ash Borer.

Senate File 309, a bill sponsored by Senator Black that would divide the Department of Natural Resources into two agencies, was talked about. Director Leopold said that in light of the fact that there is a new governor, new legislature and new DNR director, the complexities of this issue needs to be researched, both internally and externally and a more accurate cost analysis needs to be done before splitting the Department. Leopold said he would like the decision regarding SF 309 to be deferred until next year.

Commissioner Garst asked that the commission be kept informed and involved in the analysis and discussion if the gift of time on SF 309 is achieved.

The sustainable funding initiative was discussed. Director Leopold said there has been a lot of interest and positive talk on sustainable funding but there probably would not be legislation on it this year. He said the Governor's office and legislative leadership all seem excited about sustainable funding for natural resources but language or proposals to a specific bill has not been accomplished. He said a request for \$100,000 to continue the process for surveys, public relations, marketing and organizing the sportsmen's groups and the NGO community has been made.

A proposal for bonding bike trails was talked about. Nate Hoogeveen noted that the department is supportive of SF 29.

CONSERVATION EASEMENTS

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Department is providing information regarding the conservation easements the Department has acquired to date. The list includes information about both purchased and donated easements and provides information for 32 conservation easements.

DNR CONSERVATION EASEMENTS LIST

2-22-07

FOREST LEGACY PROGRAM EASEMENTS

Staheli, Edward & Victoria/Allamakee/recorded 8/24/05; Doc. 2005-2149
Forest Legacy program; 35 acres; Mississippi River bluffs.

Kluesner, Michael & Randy/Allamakee/ recorded 8/24/05; Doc. 2005-2150
Forest Legacy program; 190.55 acres; Yellow River bluffs.

Sollien, Floyd & Mary Lou/Winneshiek/ recorded 8/23/05; Doc 2005 - 3494
Forest Legacy program; 165 acres; Upper Iowa River bluffs.

Waller, Clifford et al./Dubuque, Jackson & Jones/ recorded 10/17/05 in Jones (2005-3708); recorded 10/18/05 in Jackson (2005-4258); Dubuque recorded 10/17/05 Doc 2005-00017000 Forest Legacy program; 417 acres; Whitewater Creek Canyon.

Van Gundy, Ben & Julie/Clarke/ recorded 11/17/05; Book 96, Page 881-891
Forest Legacy program; 60 acres; southern Iowa forest land.

Spaete, Michael & Danielle/Jones/recorded 2/6/07 Doc 2007-0423
Forest Legacy program; 140 acres of forest land along North Fork Maquoketa River.

ALGIFIC TALUS SLOPE EASEMENTS

Helgersen, Kay Jeanne/Clayton/recorded 3/29/06 as Inst. No. 2006R01124;

Landowner Incentive program; 0.9 acre; algific slope on Turkey River.

Sootheran, Lynne & Simmonds, Kent/Winneshiek/recorded 3/29/06 as Doc. No. 2006-1186;
Landowner Incentive program; 9.6 acres; algific slope on Pine Creek.

Johnson, Patricia, et al/Winneshiek/recorded 3/29/06 as Doc. No. 2006-1187;
Landowner Incentive program; 4.9 acres; algific slope on Upper Iowa River.

Johnson, Patricia, et al/Winneshiek/recorded 2/02/06 as Doc. No. 2006-461;
Landowner Incentive program; 15.52 acres; algific slope on Upper Iowa River.

Boehm, Eric & Cindy/Fayette/recorded 12/21/06 as Doc. No. 2006-4312;
Landowner Incentive program; 15.9 acres; algific slope on Brush Creek.

Daisy, Charley/Fayette/recorded 12/21/06 as Doc. No. 2006-4314;
U.S. Fish & Wildlife ESA funding for protection of algific slope on Bear Creek
(negotiated by Rick Hansen).

UPPER IOWA RIVER EASEMENTS

Oyloe, Wilson, Webber, Knudson, Nimrod, Forster, Reed-Maxfield, McCargar, Johnson & Sliwa*
*ten conservation easements in Upper Iowa River bluff lands in Winneshiek and Allamakee Counties
donated to INHF & transferred to DNR by agreement recorded 12/26/01 in Book 506, Page 544.
(easements are listed in "Schedule I" attached to transfer agreement).

Sliwa, David & Priscilla/Winneshiek/recorded 8/4/93 in Book 424, Page 209;
Upper Iowa River bluff (Sliwa I) (part of land trade with DNR).

BOONE RIVER PWA EASEMENTS

Hindal, Paul & Helen/Hamilton/recorded 9/10/86 as Instrument No. 862033 and re-recorded 9/23/86 as
Instrument No. 862133; Boone River PWA.

Volkers, David & Annette/Hamilton/recorded 6/4/87 as Instrument No. 871648;
Boone River PWA.

Carlson, Esther et al/Hamilton/recorded 7/7/87 as Instrument No. 871979;
Boone River PWA.

OTHER DNR CONSERVATION EASEMENTS

Buss, William & Barbara/Iowa/recorded 10/28/05; Book 761; Pages 26-57;
Donation; 160 acres of partially restored prairie known as "Indiangrass Hills".

Rhodes, Richard, et al/Iowa/recorded 10/25/05; Book 760; Pages 26-57;
Donation; 480 acres of partially restored prairie known as "Indiangrass Hills".

Kauten, William & Joan/Fayette/rec. 10/10/95 in Mtg. Book 374, PP. 575-581

Sale to DNR; 10.5 acres of fen (**Kauten I easement**).

Kauten, William & Joan/Fayette/recorded 6/30/2005 in Book 2005, Page 2065;
Sale to DNR; 5 acres to buffer fen (**Kauten II easement**).

Dummermuth, Kim & Lois, et al/Fayette/recorded 3/27/03 in File 2003-1198;
Donation; 95 acres along Otter Creek, including public fishing access.

INHF/Dinger/Winneshiek/conservation easement granted to INHF to protect bluff overlooking Pine Creek, transferred by agreement with INHF: Transfer agreement recorded 2/2/06 as Instrument No. 2006-462; conservation easement recorded 9/18/03 in Book 550, Page 86.

Linda Hanson commented that staff worked with Michael Smith, Assistant Attorney General, who produced the list of conservation easements. She noted that future lists will contain other pertinent information, such as number of acres and why the easement is critical to our operations and mission.

Commissioner Garst asked that the list of easements be distributed to the field staff to make sure it is a complete list. She also noted that the DNR is legally required to monitor the easements and said there needs to be a central place for the files so that monitoring and documentation of monitoring can be done every year or when they are supposed to be, rather than files being located in different offices around the state. Garst added it is important to know that those easements are tracked and monitored on a policy-wide basis.

Commissioner Garst expressed that it seems that staff does not have a unified or coherent opinion about conservation easements. She encouraged the department to develop a better understanding about when, why and how conservation easements will be used, perhaps through a kaizen process or something similar. Garst said there is not a consensus among staff about whether easements are good or bad or when to use them or not to use them. She presented an example of land acquisitions the commission approved in which the purchases were weird shaped rather than straight lines. She suggested that in order to get a more coherent natural resource block, a conservation easement should be attempted where the owner didn't want to sell their land but wants to protect the natural resource. She added that around the state parks where the land owner doesn't want sell their land but don't want housing developments or hog confinements or factories, staff should be working toward conservation easements there. Garst said she was making these comments to encourage staff to work together and really try to institutionalize conservation easements better than they are.

Linda Hanson responded that while an attorney may have a different view than our staff of all the legal requirements with filings and paperwork relative to conservation easements, the Department is in favor of conservation easements. She said while there are multitudes of issues involved in conservation easements, those easements are critical to the department and the Department is supportive of conservation easements.

Hanson acknowledged that as a department, there is a need to talk about how easements are monitored, where they are and what we are doing, and to also articulate our support of those easements. She pointed out that the workload of wildlife biologists and park managers and all

other staff has increased with additional acquisitions of nearly 3,000 acres of land every year and we do not have staff that is proportional to the amount of land we are increasing. She said, however, that she has never heard staff suggest that we not take on more land acquisition or add to it because it was going to increase their workload. Hanson added that on behalf of the Conservation and Recreation Division from an outside perspective, staff is going above and beyond to get the work done. She said staff is committed to ensure that commissioners, the public and the legislature understand the department's commitment to conservation easements.

Director Leopold commented that an even broader discussion than what DNR, with its limited resources is doing with acquisitions, is the work of other non government organizations (NGOs) – The Nature Conservancy, the Iowa Natural Heritage Foundation and others are doing. He said often the NGO organization gets the easement and eventually acquires the property and then the department buys the land from that organization. Leopold added that the department should have an articulated policy and should have the ability to process if approached, but the larger NGO continues to function well within that process.

Commissioner Garst acknowledged that conservation easements are complicated and hard work. She asked that when the opportunity is there – when somebody wants to continue to own their land but still wants to preserve it or when buffering around our parks is needed, there needs to be consistency in dealing with the department.

Ken Herring emphasized that the department does believe that conservation easements are an important tool. He said one of the keys is where the source of funds comes from or if the easement is on a protected water area and whether it allows public access. He said staff met recently to discuss conservation easements and some of the new tax incentive laws. He explained the process of acquiring the algific slope easements through the Landowner Incentive Program, adding that staff works closely with the Natural Heritage Foundation. Herring also pointed out that there are three bureaus within the Conservation and Recreation Division that do not receive adequate funding. He said most of the REAP funding goes to forestry and parks and the hunters and fishers are paying their own way without any use of general funds. Herring added that there have been discussions regarding conservation easements and with more resources this would be an excellent program to develop and take advantage of.

INFORMATION ITEM

ART IN PUBLIC BUILDINGS PROJECT – HONEY CREEK RESORT STATE PARK

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Natural Resource Commission's approval is requested to enter into a contract with Brad Kaspari of Minneapolis, Minnesota and Carylyn Braaksma of Denver, Colorado, in the amount of \$195,000 for the construction and installation of public art project(s) as part of the development of Honey Creek Resort State Park.

Iowa Code Section 304A.8-14 requires that 0.5% of total cost of state construction project be used for the inclusion of fine arts in state building projects. Construction projects included in the overall Phase I development of Honey Creek Resort State Park is budgeted at approximately \$39 million, which establishes a public art project budget of \$195,000.

Bruce Williams of the Iowa Arts Council formed the Public Art Committee to review the work of artists interested in being considered for the project. Liz Christiansen, Deputy Director; Angela Corio; Arnie Sohn; Jim Bruget, Project Manager from TSP, Inc.; Dave Sweet, Chairman of Regency Hotel Management; Ray Davis, RLR, Inc.; and Jessica Rowe, a private artist; reviewed slides of past public art projects completed by 54 artists or teams of artists that responded to the initial request for interest and qualifications. Ultimately, seven artists or teams of artists were short-listed and a 30-minute telephone interview with each was conducted. The Public Art Committee chose Brad Kaspari and Carylyn Braaksma, who have worked together on numerous public art projects and have background and strong interest in the “Arts and Crafts” design theme that has been adopted by project designers and approved by the Design Team for the interior of the lodge and cabins.

After a site visit on January 31, 2007 and a meeting with the Design Team on February 1, 2007 the artists are developing an art project(s) to be incorporated into the Park facilities, likely as part of the Lodge Great Room or its environs. The Public Art Committee and Design Team will provide review and oversight during this concept development and ultimately approve one or more artistic projects within the Park. Currently, the artists are working under a small contract that provides \$2,500 for design services and up to \$2,500 in travel expenses.

Linda Hanson explained that the law requires that a portion of construction money is set aside for the arts. She reviewed the process of selecting the artists for the construction and installation of public art projects as part of the development of Honey Creek Resort State Park. Bruce Williams, Iowa Art Council was introduced.

Motion was made by Commissioner Moore to enter into a contract with Brad Kaspari of Minneapolis, Minnesota and Carylyn Braaksma of Denver, Colorado, in the amount of \$195,000 for the construction and installation of public art project(s) as part of the development of Honey Creek Resort State Park. Seconded by Commissioner Francisco.

Bruce Williams, Department of Cultural Affairs, explained how the artists will work with the design team to integrate art into the materials of the building—the wall materials, the flooring, etc. which will add value to the experience of those that visit Honey Creek Resort Park. He noted that the department has the final authority over what is proposed.

Motion carried unanimously.

CONTRACT APPROVED

MANAGEMENT AGREEMENT, BLACK HAWK COUNTY CONSERVATION BOARD—RAHN TRACT

The Natural Resource Commission's approval is requested for a management agreement between the Black Hawk County Conservation Board (Board) and the DNR to authorize the Board to manage the Rahn tract for the period ending December 31, 2056. The 80-acre Rahn tract was acquired by the DNR in October 2006 using funds donated by the Junior Rahn Estate. It is located in the north portion of La Porte City in southeastern Black Hawk County.

Under the proposed agreement the Board will manage the Rahn tract under a Wildlife Management plan as part of the adjacent 667-acre Brett Klima Wildlife Management Area. La Porte City has agreed to allow hunting on the tract.

The Board will incur the costs of management and maintenance. The agreement will utilize the standard DNR management agreement form with an additional requirement that signs be permanently erected and maintained signifying the tract was donated by Junior Rahn.

Motion was made by Commissioner Kramer to approve a management agreement between the Black Hawk County Conservation Board and the DNR to authorize the Board to manage the Rahn tract for the period ending December 31, 2056. Seconded by Commissioner Francisco. Motion carried unanimously.

AGREEMENT APPROVED

AGREEMENT WITH IOWA STATE UNIVERSITY—LAKE RESTORATION DIAGNOSTIC AND FEASIBILITY STUDIES

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Approval is requested for the Department of Natural Resources Department to enter into an agreement for two lake restoration diagnostic and feasibility studies with Iowa State University. The lake systems are Easter Lake (Polk County) and the Lower Chain of the Iowa Great Lakes (Dickinson County) including Upper Gar Lake, Minnewashta Lake, and Lower Gar Lake. These studies are a required component of the process outlined in the "Lake Restoration Plan and Report" that must be submitted to the State of Iowa Joint Appropriations Subcommittee on Transportation, Infrastructure, and Capitals and the Legislative Services Agency prior to receiving lake restoration funding. The purposed work will draw heavily on the existing "Iowa Lakes Valuation Project," funded jointly by Iowa DNR and U.S. EPA, which has just completed its four year data collection effort and the extensive five-year lake database collected by Dr. Downing with Iowa DNR funding that includes water chemistry, biological analysis, and watershed data for 129 of Iowa's principle recreation lakes. Additional information will also be utilized from the Iowa DNR 319 and TMDL programs and past lake diagnostic and feasibility studies prepared by ISU. These projects are being funded through the Endowment for Iowa's

Health Account as part of the Lake Water Quality Improvement DNR's FY 2007 Infrastructure and Capitals Plan. The DNR's financial obligation is \$235,488 with final reports provided to the DNR by November 1, 2008. Polk County will also contribute an additional \$21,746 (25%) to the Easter Lake study.

We recommend that the Department enter into an agreement with Iowa State University for these research projects.

Motion was made by Commissioner Francisco to enter into an agreement for lake restoration diagnostic and feasibility studies with Iowa State University for Easter Lake (Polk County) and the Lower Chain of the Iowa Great Lakes (Dickinson County) including Upper Gar Lake, Minnewashta Lake, and Lower Gar Lake. Seconded by Commissioner Garst. Motion carried unanimously.

AGREEMENT APPROVED

AGREEMENT WITH IOWA STATE UNIVERSITY—EFFECTS OF COMMON CARP AND ZEBRA MUSSELS ON CLEAR LAKE

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Approval is requested for the Department of Natural Resources Department to enter into an agreement with Iowa State University (ISU) to conduct a study of the effects of introduced common carp and invading zebra mussels on water quality and the native fish, invertebrate, and plant communities in Clear Lake. The study will fully utilize data from the Carp Radio-Telemetry Study and other existing data sources. The knowledge gained from this study will be organized into a simulation model that will enable prediction of the effects of both biotic and abiotic factors on water quality in Clear Lake, and facilitate evaluation of a variety of scenarios and management alternatives for future water quality.

The study will be conducted over a 4-year period at a total cost of \$369,771 (\$258,000 DNR direct costs and \$111,771 ISU contributed indirects). Direct costs for the first year (FY08) total \$64,500, which will be funded by DNR Fisheries Invasive Species (15%), Lake Restoration (55%), and Watershed Monitoring and Assessment (30%).

Although the immediate goal is to produce a model for Clear Lake, the model will also be useful in similar lakes. Small eutrophic lakes with abundant common carp are the most difficult to manage for consistently good water quality, and a simulation model that works for Clear Lake will likely be transferable to comparable systems. The final goal of this study is to obtain baseline data on carp, zebra mussels, and the native biological community in Clear Lake for the purposes of long-term monitoring and future testing and refining of the simulation model.

We recommend that the Department enter into an agreement with Iowa State University for this research project.

Motion was made by Commissioner Kramer to enter into an agreement with Iowa State University (ISU) to conduct a study of the effects of introduced common carp and invading zebra mussels on water quality and the native fish, invertebrate, and plant communities in Clear Lake. Seconded by Commissioner Francisco. Motion carried unanimously.

AGREEMENT APPROVED

CULTURE RESOURCE INVESTIGATION RETAINER CONTRACT

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Federal law (National Environmental Policy Act) requires the State of Iowa to conduct cultural resource investigations at proposed construction sites so cultural resources are not significantly affected. To comply with Federal law the DNR has entered into a retainer contract with a private consultant since 1992. This type of contract gives DNR staff the flexibility and ability to have cultural resource investigations conducted, as needed, in an effective and time saving manner. Fisheries, Wildlife, Parks, and Forestry bureaus have utilized past contracts to assure their bureau projects do not affect cultural resources. The contract has a \$50,000 ceiling.

Contract duration is for one year and may be renewed annually for a maximum of five years. It is based on a hourly rate for a principal investigator and a hourly rate for employees. Hourly rates include all expenses (lodging, meals, equipment, etc.) incurred by the contractor to conduct an investigation.

Bid proposals were solicited from three consulting firms. A bid proposal notice was published in the Des Moines Register on January 7, 2007. Two proposals were received. The Conservation and Recreation Division recommends the Natural Resource Commission accept the low bid from Consulting Archaeological Services. Consulting Archaeological Services has held the retainer contract for the past six years with an excellent performance record.

Consultant	Principal Investigator Rate	Employee Rate
Consulting Archaeological Services	\$26.50	\$20.50
Wapsi Valley Archaeology	\$36.10	\$31.53

Motion was made by Commissioner Garst to approve the low bid of Consulting Archaeological Services to conduct cultural resource investigations at proposed construction sites so cultural resources are not significantly affected. Seconded by Commissioner Kramer. Motion carried unanimously.

CONTRACT APPROVED

KEOKUK YACHT CLUB, INC. – 28E AGREEMENT

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Approval is requested for the Department of Natural Resources to enter into a 28E agreement with the Keokuk Yacht Club, Inc (Yacht Club) to receive a \$100,000 Tier 1 Boating Infrastructure Grant (BIG). This grant program is administered by the U S Fish & Wildlife Service. The BIG program gives the DNR, as grantee, the authority to extend grant money to a third party who submits the most advantageous proposal. Packets announcing the program were sent to four interested parties and an announcement published in the Des Moines Register. The Yacht Club is the only party that submitted a proposal. Grant money is available according to a cost share of 75% federal money and 25% local money.

The BIG program provides funding to construct, renovate and maintain tie-up facilities with features for transient boaters. A transient boat is a vessel 26 feet or more in length that moors at any one place 10 days or less. The Yacht Club will use the grant money to install an 8' X 300' dock and make modification to existing facilities in effort to meet Americans with Disabilities Act requirements. The Yacht Club is located north of the City of Keokuk and adjacent to the Mississippi River.

Commission approval will only make the federal grant money available to the Yacht Club. The Yacht Club is responsible for project design, construction oversight and the 25% local match.

We recommend that the Department enter into a 28E contract agreement with the Keokuk Yacht Club, Inc.

<i>Motion was made by Commissioner Kramer to enter into a 28E agreement with the Keokuk Yacht Club, Inc (Yacht Club) to receive a \$100,000 Tier 1 Boating Infrastructure Grant (BIG). Seconded by Commissioner Moore. Motion carried unanimously.</i>
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AGREEMENT APPROVED

CONCESSION CONTRACTS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Notice of concession availability was published in the Des Moines Register Sunday Business Opportunities section on January 15, 2006 for Lake Manawa State Park, Pine Lake State Park and Pleasant Creek State Recreation Area. Notices were also published in several local

newspapers throughout the regions. One bid was received for Pine Lake State Park and one bid was received for Pleasant Creek State Recreation Area.

Pine Lake State Park, Hardin County

James Ryan of Eldora, Iowa proposes a five year contract offering snack-type food service, convenience store and souvenir items, bait and tackle sales, boat rental, bicycle rental and firewood sales. He proposes the following fees to be paid to the state: 2007 and 2008 -- \$2,000 each year; 2009-2011 -- \$3,500 each year. Mr. Ryan has served in the United States Military for 21 years in a managerial capacity. He has been responsible for the management and daily property accountability of a digital Tactical Operation Center worth in excess of \$4,000,000 and managing a Brigade operating budget of over \$100,000 including purchasing and distribution of supplies. He has experience in providing administrative, tactical and technical guidance to over 6,000 soldiers while serving in Iraq. For the past seven years, he has owned and operated a commercial embroidery business. Mr. Ryan will secure a loan or use his own money to establish the business. He is currently working on establishing a corporation to operate under.

Pleasant Creek State Recreation Area

Jessica Grieder of Vinton, Iowa proposes a five-year contract offering snack-type food service, convenience store and souvenir items, bait and tackle sales, boat rental, firewood, slip rentals, vending machines and license sales. Ms. Grieder does not want to provide a lifeguarded beach at this time, but would like the option to add it in the future if it is feasible. She proposes the following fees to be paid to the state: 2007-2011 -- \$3,700 each year. Ms. Grieder has worked in a convenience store and bait shop for 18 years. She has managed the convenience store and bait shop for 10 years. She also had six years of experience as chairperson for Vinton Swim Club concessions. Ms. Grieder has secured a small business loan to start up the business.

Staff recommends approval of the Pine Lake concession contract to James Ryan and the Pleasant Creek concession contract to Jessica Grieder.

Motion was made by Commissioner Francisco to approve a Pine Lake concession contract to James Ryan and the Pleasant Creek concession contract to Jessica Grieder. Seconded by Commissioner Garst. Motion carried unanimously.

CONCESSION CONTRACTS APPROVED

CONCESSION CONTRACT RENEWAL AND ASSIGNMENT – LAKE MACBRIDE STATE PARK

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The staff has received a request for renewal and assignment of the concession contract at Lake Macbride State Park near Solon in Johnson County as permitted under Chapter 571 - 14 of the Administrative Code. Notice of intent to renew and assign Lake Macbride concession contract was published in the Des Moines Register newspaper on January 14 in 5 local newspapers on January 17 and 18. No comments were received regarding the contract renewal and assignment request. The following is the current contract provisions and proposed stipulations for the renewal and assignment.

Lake Macbride State Park – GSI Enterprises Ltd/Gary Spangler, Concessionaire

The operation is a full service concession offering snack-type food service, convenience store items, bait sales, boat rental, and firewood sales. The concessionaire will pay the following fees to the State for the concession operation: 2007 -- \$12,051 + 8% of gross receipts over \$85,000; 2008 - \$12,151 + 8% of gross receipts over \$85,000; 2009 - \$12,251 + 8% of gross receipts over \$85,000; 2010 - \$12,351 + 8% of gross receipts over \$85,000; 2011 -- \$12,451 + 8% of gross receipts over \$85,000. This renewal will extend the contract period to the year 2011.

The current concessionaire, Gary Spangler/GSI Enterprises, Ltd. would like to assign the five-year contract to Tina Hoffman, president of Lake Macbride Boat Rental, Inc. Ms. Hoffman has been employed as concession manager for GSI Enterprises, Ltd the last 17 years at both Pleasant Creek State Recreation Area and Lake Macbride State Park. Staff performed all necessary background checks and found them to be satisfactory.

Commission approval is requested for renewal and assignment of the concession contract at Lake Macbride State Park to Lake Macbride Boat Rental, Inc., Tina Hoffman, President.

Motion was made by Commissioner Kramer to approve renewal and assignment of the concession contract to Lake Macbride Boat Rental, Inc., Tina Hoffman, President. Seconded by Commissioner Garst. Motion carried unanimously.

CONCESSION CONTRACT APPROVED

WATER TRAIL GRANTS – FY 2008

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Iowa DNR Water Trails program was developed to support linear, on-water trail projects on Iowa waterways. The Department received 10 applications requesting \$72,844. The Department's annual water trails budget is \$50,000; \$11,181 was returned from FY07. The recommended state fiscal year 2008 awards, totaling \$61,181, as determined by scoring committee members including three Department staff and two Iowa citizens, are as follows:

Fiscal Year 2008 Iowa DNR Water Trail Grant Applications

Water Trail	Sponsor	Scoring Committee Rank	Funding recommendation
Maquoketa River Water Trail - Jackson County	Jackson CCB	1	\$6,560
Maquoketa River Water Trail - Mon Maq Dam to Pictured Rocks	Jones CCB	2	\$5,000
Odessa Water Trail	Tri-Rivers Conservation Foundation	3	\$5,962
Bends and Beaches; Lower Wapsipinicon Water Trail	Clinton CCB	4	\$9,512
Middle/South Raccoon River Water Trail	Dallas CCB	5	\$13,776
Wapsipinicon River Water Trail	Bremer CCB	6	\$9,134
Yellow Banks Watercraft Campground	Polk CCB	7	\$4,485
Skunk River Water Trail	Polk CCB	8	\$5,507

The Department recommends entering into grant agreements with the above-mentioned parties to accomplish the projects identified in their respective applications.

Total miles of water trail developed: 253.5

Total DNR funds awarded: \$61,181

Total amount to be leveraged (local/federal): \$283,565

Project: Maquoketa River Water Trail - Jackson County

Applicant: Jackson CCB

18670 63rd Street

Maquoketa, IA 52060

Amount: \$6,560

Description: This project is part of both an Iowa Great Places project and a segment of a planned multi-county water trail on the Maquoketa River. It includes a portage path around and hydro dam facility, and proposes to make a canoe livery a more viable business through marketing of the water trail, as well as spread recreational impacts from the Picture Rocks section.

Project: Maquoketa River Water Trail - Mon Maq Dam to Pictured Rocks, Jones County

Applicant: Jones CCB

Larry Gullett

12515 Central Park Road

Center Junction, IA 52212

Amount: \$5,000

Description: This project focuses on a highly popular section of water trail in Jones County, and will assist people with disabilities access a 7-mile portion of river with both a launch and a landing. It also addresses user impact issues, and will create a portage trail around the Mon-Maq dam.

Project: Odessa Water Trail – Louisa County

Applicant: Tri-Rivers Conservation Foundation

Mallory Smith

12635 Co Rd G56/PO Box 123

Wapello, IA 52653

Amount: \$5,962

Description: This water trail will help canoeists and kayakers navigate an inter-connected and swamp-like set of ponds, chutes, and a large lake, all former backwaters for the Mississippi River in Louisa County. Funds will be used for signage and promotional materials. Wildlife viewing opportunities are rich. Signage is a critical component for minimizing confusion.

Project: Bends and Beaches, Lower Wapsipinicon Water Trail – Clinton/Scott/Cedar counties

Applicant: Clinton CCB

Chuck Jacobsen

2308 255th Street

Grand Mound, IA 52751

Amount: \$9,512

Description: This project will establish signage and be used to develop low-impact canoe accesses. The Wapsipinicon River Water Trail is expected to become one of Iowa's longest. This segment on the mouth of the Wapsipinicon is a three county effort encompassing vast bottomlands of floodplain woods, along with an environmental education center, numerous accesses, and wildness near urban areas such as Clinton and the Quad Cities.

Project: Middle/South Raccoon River Water Trail – Guthrie/Dallas counties

Applicant: Dallas CCB

Mike Wallace

14581 K Ave.

Perry, IA 50220

Amount: \$13,776

Description: This two-county joint project will allow for signage and brochures on one of central Iowa's most popular river segments. The Middle Raccoon in this segment is a protected water area. Both stretches flows through a glacial moraine area and is served by two canoe & kayak liveries.

Project: Wapsipinicon River Water Trail – Bremer/Black Hawk counties

Applicant: Bremer CCB

Frank Frederick

1104 South Main

Tripoli, IA 50676

Amount: \$10,379

Description: This project will flow through a Protected Water Area and serve as the headwaters for an overall Wapsipinicon River Water Trail. Bluffs and areas dominated by native river birch, along with long tracts of public land, are expected to be key features of this wilderness-oriented water trail.

Project: Yellow Banks Watercraft Campground – Polk County

Applicant: Polk CCB

Loren Lown

11407 NW Jester Park Drive

Granger, IA 50109

Amount: \$4,485

Description: This project will fund a water-access campground that will supplement the overall Des Moines River Water Trail through Polk County, providing an overnight stopover at Yellow Banks Park. The area is near an existing boat ramp and restroom facility in an otherwise remote spot expected to be attractive to canoeists, kayakers, anglers, and powerboaters.

Project: Skunk River Water Trail – Polk County

Applicant: Polk CCB

Loren Lown

11407 NW Jester Park Drive

Granger, IA 50109

Amount: \$5,507

Description: This project will fund a 13.5-mile extension of Story County's Skunk River Water Trail by creating a low-impact water access and primitive camping area, along with accompanying signage.

Nate Hoogeveen, Water Trails Coordinator, reviewed the Water Trails Grants and asked that the Department enter into grant agreements with the applicants as ranked and recommended by the scoring committee.

Motion was made by Commission Garst to enter into grant agreements with the applicants as ranked and recommended by the scoring committee for Water Trail Grants. Seconded by Commissioner Kramer. Motion carried unanimously.

GRANTS APPROVED

FISHERIES HABITAT WITH LOCAL ENTITIES PROGRAM GRANT REVIEW

County Fish Habitat Grant Review Committees met in December and January to review county conservation board projects. Each district forms a grant committee made up of at least five county conservation board directors that rank and score all of the projects in their district. A district fisheries biologist sits on each committee for advisory purposes.

FISH HABITAT GRANT - FUNDED PROJECTS

Nov, 2006

District 1 – fully fund four (4) projects

Webster	\$ 6,633.00	Bank Armoring – Moorland Pond
Tama	\$ 6,923.00	Rip-Rap (Partial Shoreline – Otter Creek Lake
Hamilton	\$ 49,795.00	Little Wall Lake Fishery Habitat Improvement Project – Phase 2
Poweshiek	\$ 69,600.00	Jordan Pond (Diamond Lake)
TOTAL	\$132,951.00	

District 2 – fully fund seven (7) projects

Cerro Gordo	\$ 17,320.00	Bluebill Lake Bank Stabilization
Kossuth	\$ 15,750.00	Plum Creek Dam Bank Stabilization
Mitchell	\$ 6,255.00	Turtle Creek Bank Stabilization
Winneshiek	\$ 32,229.00	Lake Meyer Jetty and Habitat
Howard	\$ 17,606.25	Lake Hendricks Habitat and Stabilization
Winnebago	\$ 11,358.00	Ambrosion Pit Renovation
Franklin	\$ 20,880.00	Interstate Lake Bank Stabilization and Jetty
TOTAL	\$121,398.25	

District 3 – fully fund three (3) projects

Crawford	\$ 32,130.00	Yellow Smoke Lake Silt sill
Monona	\$ 3,375.00	Oldhams Recreation Area-Shoreline Armoring
Monona	\$ 7,200.00	Peters Park – Shoreline Armoring
TOTAL	\$ 42,705.00	

District 4 – fully fund three (3) projects

Taylor	\$ 30,099.00	2 fishing jetties, spawning beds and rock piles
Harrison	\$ 24,300.00	Shoreline armoring and jetty
Union	\$ 13,167.23	2 fishing jetties and spawning beds
TOTAL	\$ 67,566.23	

District 5 – fully fund three (3) projects

Des Moines	\$ 46,800.00	Big Hollow Creek Lake Project – Dam Armoring
Mahaska	\$ 20,000.00	White Oak Conservation Area Pond Construction
Washington	\$ 57,774.00	Foster Pond Acquisition and Development Project
TOTAL	\$124,574.00	

District 6 – fully fund five (5) projects and partially fund one (1) project

Delaware	\$ 9,675.00	Trout stream development and improvement
Dubuque	\$ 36,900.00	Upper Catfish Creek aquatic habitat improvement
Allamakee	\$ 14,925.00	Harpers Slough Stream bank armoring and fish habitat placement
Jackson	\$ 16,650.00	Hurstville Fishing Pond

Clinton	\$ 15,441.30	Wapsipinicon River bank Armament at Sherman Park
Johnson	\$ 27,719.00	Iowa River bank armament
TOTAL	\$121,310.00	

Motion was made by Commissioner Francisco to approve the Fisheries Habitat with Local Entities Program Grants as recommended by the County Fish Habitat Grant Review Committees. Seconded by Commissioner Kramer. Motion carried unanimously.

GRANTS APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 51, GAME MANAGEMENT AREAS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve this Notice to amend Chapter 51, Game Management Areas. This amendment adds Hendrickson Marsh and Colo Bog in Story County to the list of areas where nontoxic shot is required and removes several wildlife management areas that were previously exempted from nontoxic shot use.

NATURAL RESOURCE COMMISSION [571] Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 51, "Game Management Areas," Iowa Administrative Code.

This amendment adds Hendrickson Marsh and Colo Bog in Story County to the list of areas where nontoxic shot is required and removes several wildlife management areas that were previously exempted from nontoxic shot use.

Any interested person may make written suggestions or comments on the proposed amendment on or before April 19, 2007. Written comments may be directed to the Wildlife Bureau's website at www.iowadnr.com or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 19, 2007. Interested persons should contact the Department at (515)281-5918 for a list of hearing locations or go to the Department's website at www.iowadnr.com. At the hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.5, 481A.6, 481A.8 and 481A.39.

The following amendment is proposed.

Amend subrule 571--51.9 (481A) as follows:

571--51.9(481A) Use of nontoxic shot on wildlife areas. It shall be unlawful to hunt any migratory game bird or resident game or furbearers, except deer and turkeys, or target shoot with a shotgun while having in one's possession any shot other than nontoxic shot approved by the U.S. Fish and Wildlife Service on the following wildlife areas:

County	Wildlife Area
Benton	Iowa River Corridor
Boone	Harrier Marsh
Buena Vista	All state and federal areas except Bluebird Access
Calhoun	South Twin Lake
Cerro Gordo	All state and federal areas
Clay	All state and federal areas except Burr Access, Dry Mud Lake, Little Sioux, Highbridge, Fen Valley, and the Ocheyedan wildlife area target shooting range
Dickinson	All state and federal areas except the Spring Run target shooting range
Emmet	All state and federal areas except Birge Lake, Grass Lake, Ryan Lake, and the East Des Moines River Access
Franklin	All state and federal areas
Greene	All state and federal areas except Rippey Access and McMahon Access
Guthrie	McCord Pond, Lakin Slough and Bays Branch, except the target shooting range at Bays Branch
Hamilton	Little Wall Lake, Gordon Marsh and Bauer Slough
Hancock	All state and federal areas
Humboldt	All state and federal areas except Bradgate Access and Willows Access
Iowa	Iowa River Corridor
Jasper	Chichaqua
Kossuth	All state and federal areas except Seneca Access
Osceola	All state and federal areas
Palo Alto	All state and federal areas
Pocahontas	All state and federal areas except Kalsow Prairie
Polk	Paul Errington Marsh and Chichaqua
Sac	All state and federal areas except White Horse Access and Sac City Access
Story	<u>Hendrickson Marsh and Colo Bog</u>
Tama	Iowa River Corridor
Winnebago	All state and federal areas
Worth	All state and federal areas
Wright	All state and federal areas

Date

Richard A. Leopold, Director

Ken Herring reviewed the history of the rule with regard to toxic shot and explained the reasons for removing several wildlife management areas that were previously exempted from nontoxic shot use.

Motion was made by Commissioner Francisco to approve Notice of Intended Action—Chapter 51, Game Management Areas. Seconded by Commissioner Kramer. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 52, WILDLIFE REFUGES

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve this Notice to amend Chapter 52, Wildlife Refuges. The amendment adds Sedan Bottoms in Appanoose County and the Jemmerson Slough Complex in Dickinson County to the list of wildlife refuges. It also cleans up this rule by removing several areas from the list that are no longer posted as refuges or have not been functioning effectively as waterfowl refuges.

**NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 52, “Wildlife Refuges,” Iowa Administrative Code.

The amendments add Sedan Bottoms in Appanoose County and the Jemmerson Slough Complex in Dickinson County to the list of wildlife refuges. They also clean up this rule by removing several areas from the list that are no longer posted as refuges or have not been functioning effectively as waterfowl refuges.

Any interested person may make written suggestions or comments on the proposed amendment on or before April 19, 2007. Written comments may be directed to the Wildlife Bureau's website at www.iowadnr.com or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 19, 2007. Interested persons should contact the Department at (515)281-5918 for a list of hearing locations or go to the Department's website at www.iowadnr.com. At the hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.5, 481A.6, 481A.8 and 481A.39.

The following amendment is proposed.

Amend subrule 52.1(2), paragraph "a," as follows:

52.1(2) Wildlife refuges.

a. Restrictions. The following areas under the jurisdiction of the department of natural resources are established as game refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, between the dates of September 10 and December 31 of each year, both dates inclusive, except that department personnel and law enforcement officials may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter when specifically authorized by the department of natural resources.

Area	County
Lake Icaria	Adams
Pool Slough Wildlife Area	Allamakee
Rathbun Area	Appanoose
<u>Sedan Bottoms</u>	<u>Appanoose</u>
Wildlife Exhibit Area	Boone
Sweet Marsh	Bremer
<u>Storm Lake Islands</u>	<u>Buena Vista</u>
Big Marsh.	Butler
South Twin Lake.	Calhoun
Round Lake	Clay
<u>Little River Recreation Area</u>	<u>Decatur</u>
Allen Green Refuge	Des Moines
Henderson	Dickinson
<u>Jemmerson Slough Complex</u>	<u>Dickinson</u>
<u>Kettleson Area</u>	<u>Dickinson</u>
Spring Run	Dickinson
Ingham Lake	Emmet
Forney Lake	Fremont
Riverton Area	Fremont
Dunbar Slough	Greene
Bays Branch	Guthrie
Green Island Area	Jackson
Hawkeye Wildlife Area	Johnson
Muskrat Slough	Jones
Colyn Area	Lucas
Red Rock Area	Marion, Polk, Warren
Badger Lake	Monona

Tieville/Decatur Bend	Monona
Five Island Lake	Palo Alto
Big Creek-Saylorville Complex	Polk
Chichaqua Area	Polk
Cottonwood Area	Polk
I-35 Area	Polk
Smith Area	Pottawattamie
Lake View Area	Sae
McCausland	Scott
Princeton Area	Scott
Prairie Rose Lake	Shelby
Otter Creek Marsh	Tama
Green Valley Lake	Union
Three Mile Lake	Union
Lake Sugema	Van Buren
Rice Lake Area	Winnebago
Snyder Lake	Woodbury
Elk Creek Marsh	Worth
Lake Cornelia	Wright

Date

Richard A. Leopold, Director

Mr. Herring reviewed the changes to the rule and answered individual questions.

Motion was made by Commissioner Kramer to approve Notice of Intended Action—Chapter 52, Wildlife Refuges. Seconded by Commissioner Francisco. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION:—CHAPTER 91, WATERFOWL AND COOT HUNTING SEASONS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve this Notice to amend Chapter 91, Waterfowl and Coot Hunting Seasons. The amendments adjust the waterfowl and coot season dates for changes in calendar dates. The daily bag limit for Canada geese during the Sept. 1-15 season in the Des Moines and Cedar Rapids-Iowa City zones was increased from 3 to 5. The size of 6 areas that are closed to Canada goose hunting was adjusted to provide additional hunting opportunity.

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 91 "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

These rules give the regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Season dates are adjusted annually to comply with federal law and to ensure that seasons open on a weekend.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 19, 2007. Written comments may be directed to the Wildlife Bureau's website at www.iowadnr.com or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 19, 2007. Interested persons should contact the department at (515)281-5918 for a list of hearing locations or go to the department's website at www.iowadnr.com. At the hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The following amendments are proposed.

ITEM 1. Amend subrules 91.1(2) and 91.1(3) as follows:

91.1(2) Season dates - north zone. For all ducks: September ~~23~~ 22 through September ~~27~~ 26 and October ~~14~~ 13 through December ~~7~~ 6.

91.1(3) Season dates - south zone. For all ducks: September ~~23~~ 22 through September ~~27~~ 26 and October ~~24~~ 20 through December ~~14~~ 13.

ITEM 2. Amend subrules 91.3(2) and 91.3(3) as follows:

91.3(2) Season dates - north zone. Canada geese and brant: September ~~30~~ 29 through December ~~40~~ 9 and December ~~16~~ 15 through January ~~2, 2007~~ 1, 2008. White-fronted geese: September ~~30~~ 29 through December ~~40~~ 9. Light geese (white and blue-phase snow geese and Ross' geese): September ~~30~~ 29 through January ~~14, 2007~~ 13, 2008.

91.3(3) Season dates - south zone. Canada geese and brant: September ~~30~~ 29 through October ~~8~~ 7 and October ~~24~~ 20 through January ~~9, 2007~~ 8, 2008. White-fronted geese: September ~~30~~ 29 through December ~~40~~ 9. Light geese (white and blue-phase snow geese and Ross' geese): September ~~30~~ 29 through January ~~14, 2007~~ 13, 2008.

ITEM 3. Amend subrule 91.3(7), introductory paragraph and paragraph "e" as follows:

91.3(7) Light goose conservation order season. Only light geese (white- and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U. S. Fish and Wildlife Service from January ~~15, 2007~~ 14, 2008, through April 15, ~~2007~~ 2008.

e. Other regulations. ~~The Methods of take approved by the U.S. Fish and Wildlife Service may develop special regulations concerning the~~ for hunting of light geese during the conservation order season shall be permitted.

ITEM 4. Amend subrule 91.3(8), paragraph "b," as follows:

b. Season dates. September 9 8 and September 10 9.

ITEM 5. Amend subrule 91.3(9), paragraph "b," as follows:

b. Bag limit. Daily bag limit is 3 5 Canada geese.

ITEM 6. Amend subrule 91.3(10), paragraph "b," as follows:

b. Bag limit. Daily bag limit is 3 5 Canada geese.

ITEM 7. Amend subrule 91.4(2), paragraphs "c," "i," "m," "n," "o," and "p."

c. Area three. A portion of Dickinson County bounded as follows: ~~Beginning at a point four and one half miles west of the east junction of Highways 9 and 71; thence north along a county road to its junction with Dickinson County Road A15; thence generally north about three miles along A15 to its junction with Dickinson County Road M56; thence east along A15 about one and one half miles; thence north along county roads to the Iowa-Minnesota state line; thence west along the state line seven and one half miles; thence south along Highway 86 five miles to Highway 9; thence east along Highways 9 and 71 to the point of beginning.~~ Beginning at the junction of State Highways 9 and 86; thence north along State Highway 86 (including the right-of-way) to the Iowa-Minnesota state line; thence east along the Iowa-Minnesota state line approximately 3.5 miles (excluding any road right-of-ways) to 240th Avenue (also known as West Lake Shore Drive in Orleans or Peoria Avenue in Spirit Lake); thence south along 240th Avenue (including the right-of-way) to State Highway 9; thence west along State Highway 9 (including the right-of-way) to the point of beginning.

i. Area nine. Portions of Monona and Woodbury Counties bounded as follows: ~~Beginning at the Iowa-Nebraska state line along the Missouri River in Monona County in section 13, township 84 north, range 47 west; proceeding east approximately 3 miles along 185th Street to Cashew Avenue (including the right of way and all other road right of ways subsequently identified in this description); For the portion in Monona County, beginning at the junction of County Road K42 and 120th Street; thence south along County Road K42 (including the right-of-way and all other road right-of-ways identified in this description) approximately 4 miles; thence south on Berry Avenue approximately 1 mile to 170th Street; thence east along 170th Street to Cashew Avenue; thence south along Cashew Avenue to 200th Street; thence east along 200th Street to County Road K42; thence south and east along County Road K42 to Cherry Avenue; thence south along Cherry Avenue to 243rd Street State Highway 175; thence east along 243rd Street to Cypress Avenue; thence south along Cypress Avenue to 245th Street; thence east along 245th Street to Elm Avenue; thence south along Elm Avenue to 250th Street; thence east along 250th Street to Filbert Avenue; thence south along Filbert Avenue to 260th Street; thence east along 260th Street State Highway 175 to County Road K45; thence north and northwest approximately 17 11 miles along Monona County Road K45 to the junction with State Highway 970 in Woodbury County 120th Street; thence west along 120th Street to the point of beginning; thence continuing northwest along State Highway 970 (otherwise known as Woodbury County~~

Road K45) approximately 8 miles and for the portion in Woodbury County, beginning at the junction of County Road K45 and State Highway 141; thence northwest along County Road K45 approximately 6 miles to the intersection with Woodbury County Road K25; thence west approximately 3 miles along Woodbury County Road K25 to the intersection with Port Neal Road; thence continuing on along the same westerly line approximately 1 mile on the north border of section 6, township 86 north, range 47 west, to the Iowa-Nebraska state line along the Missouri River; thence southerly along the state line approximately 17 miles to the point of beginning 8 miles to a point where 340th Street meets the Iowa-Nebraska state line on the Missouri River; thence east to and along 340th Street approximately 5.5 miles to County Road K42; thence north and east along County Road K42 approximately 2.5 miles to the point of beginning.

m. Area thirteen. Portions of Van Buren and Davis Counties County bounded as follows: Beginning at the junction of ~~State Highway 16 Hawk Drive~~ and State Highway 98 in Van Buren County; thence east and south along ~~State Highway 16 Hawk Drive~~ (including the right-of-way and all other road right-of-ways identified in this description) to Lark Avenue; thence north along Lark Avenue to 170th Street; thence east along 170th Street to State Highway 1 in Van Buren County; thence south along State Highway 1 (including the right of way) to State Highway 2; thence west along State Highway 2 (including the right of way) to County Road V42 V56 in Davis County; thence north along County Road V42 V56 (including the right of way) to County Road J40 in Davis County; thence east and south along County Road J40 (including the right of way) to County Road V64 in Van Buren County; thence north along County Road V64 (including the right of way) to State Highway 98 in Van Buren County; thence north along State Highway 98 (including the right of way) to the point of beginning.

n. Area fourteen. Portions of Bremer County bounded as follows: Beginning at the intersection of County Road V56 and 140th Street (also named State Highway 93); thence south along County Road V56 (including the right-of-way and all other road right-of-ways identified in this description) to State Highway 3; thence west along State Highway 3 (including the right of way) to County Road V43; thence north along County Road V43 (including the right of way) to County Road C33; thence west along County Road C33 (including the right of way) to Navaho Avenue; thence north along Navaho Avenue (including the right of way) to State Highway 93; thence west along State Highway 93 (including the right of way) to U.S. Highway 63; thence north 7 miles along U.S. Highway 63 (including the right of way) to the Bremer-Chickasaw County line; thence east 3 miles along the Bremer-Chickasaw County line road (including the right of way) to Oakland Avenue; thence south along Oakland Avenue (including the right of way) to 120th Street; thence east along 120th Street (including the right of way) to Piedmont Avenue; thence south along Piedmont Avenue (including the right of way) to 140th Street; thence east along 140th Street, which becomes State Highway 93, to the point of beginning.

o. Area fifteen. Portions of Butler County bounded as follows: ~~Beginning at the junction of County Road T16 and 230th Street; thence south 5 miles on County Road T16 (including the right of way) to 280th Street; thence east 3 miles along 280th Street (including the right of way) to Grand Avenue; thence south on Grand Avenue (including the right of way) to County Road C55 (also named 290th Street); thence east 3 miles on County Road C55 (including the right of way) to Jay Avenue; thence north along Jay Avenue (including the right of way) to 280th Street;~~

~~thence east 3 miles on 280th Street (including the right of way) to State Highway 14; thence north 6 miles on State Highway 14 (including the right of way) to 230th Street; thence west on 230th Street (including the right of way) to Jackson Avenue; thence north on Jackson Avenue (including the right of way) to 220th Street; thence west on 220th Street (including the right of way) to County Road T25 (also named Hickory Avenue); thence south 0.5 mile on County Road T25 (including the right of way) to 225th Street; thence west on 225th Street (including the right of way) to Fir Avenue; thence south 0.5 miles on Fir Avenue (including the right of way) to 230th Street; thence west on 230th Street (including the right of way) to the point of beginning.~~ Beginning at the junction of State Highway 14 and 245th Street; thence south along State Highway 14 (including the right-of-way and all other road right-of-ways identified in this description) to 280th Street; thence west along 280th Street for 3 miles; continuing on a similar westerly line along the south borders of sections 31, 32, and 33, township 91 north, range 17 west; thence west along 280th Street for 1.5 miles to Evergreen Avenue; thence north along Evergreen Avenue to 270th Street; thence east along 270th Street to Forest Avenue; thence north along Forest Avenue to 230th Street; thence east along 230th Street to Fir Avenue; thence north along Fir Avenue to 225th Street; thence east along 225th Street to County Road T25 (also named Hickory Avenue); thence south along County Road T25 to 230th Street; thence east along 230th Street to Jackson Avenue; thence south along Jackson Avenue to 240th Street; thence east along 240th Street to Jackson Avenue; thence south on Jackson Avenue to 245th Street; thence east along 245th Street to the point of beginning.

p. Area sixteen. A portion of Union County bounded as follows: Beginning at the intersection of U.S. Highway 469 ~~and Three Mile Creek Drive 34~~ and County Road P53 near Afton; thence west along U.S. Highway 34 (including the right-of-way and all other road right-of-ways identified in this description) approximately 2.5 miles to ~~Union County Road P43 (also named Twelve Mile Lake Road);~~ thence north along ~~Union County Road P43 (including the right of way)~~ Twelve Mile Lake Road approximately 5 miles to Union County Road H17; thence north and east along Union County Road H17 (including the right of way) ~~approximately 6 miles to Quail Avenue to County Road P53;~~ thence south along ~~Quail Avenue (including the right of way) to Three Mile Creek Drive;~~ thence south along ~~Three Mile Creek Drive~~ County Road P53 to the point of beginning.

ITEM 8. Amend subrule 91.5(1) as follows:

91.5(1) ~~Ruthven, Kettleson-Hogsback, Ingham Lake and Rice Lake~~ Clay County, Dickinson County, Emmet County, and Butler County closed areas.

ITEM 9. Amend subrule 571--91.6(481A) as follows:

571--91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held on October ~~7 and 8, 2006~~ 6 and 7, 2007, in the north duck hunting zone and October ~~7 and 8, 2006~~ 6 and 7, 2007, in the south duck hunting zone. Youth hunters must be 15 years old or younger. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl

season, as defined in subrule 91.1(1). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

Date

Richard A. Leopold, Director

Ken Herring reviewed the changes to the rule. He commended the Wildlife Bureau for the successes of the program and also in handling the depredation of Canada geese which has been a problem in a few areas.

Motion was made by Commissioner Francisco to approve Notice of Intended Action—Chapter 91, Waterfowl and Coot Hunting Seasons. Seconded by Commissioner Kramer. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 95, GAME HARVEST REPORTING AND LANDOWNER-TENANT REGISTRATION

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve this Notice to amend Chapter 95, Game Harvest Reporting and Landowner-Tenant Registration. These amendments clarify the regulations for reporting the harvest of deer and wild turkey and procedures for landowners and tenants to verify their eligibility for free deer and wild turkey hunting licenses.

NATURAL RESOURCE COMMISSION [571] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to adopt new Chapter 95, “Game Harvest Reporting and Landowner-Tenant Registration,” Iowa Administrative Code.

These amendments clarify the regulations for reporting the harvest of deer and wild turkey and procedures for landowners and tenants to verify their eligibility for free deer and wild turkey hunting licenses.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 19, 2007. Written comments may be directed to the Wildlife Bureau's website at www.iowadnr.com or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 19, 2007. Interested persons should contact the Department at (515)281-5918 for a list of hearing locations or go to the Department's website at www.iowadnr.com. At the hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend a public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These amendments are intended to implement Iowa Code sections 483A.38, 483A.39, 483A.48 and 483A.7.

The following new chapter is proposed.

ITEM 1. Amend subrule 571--95.1(1)(481A), as follows:
95.1(1) Reporting deadlines.

- a. Deer. A harvest report must be made by midnight on the day after the day of the kill, before the deer is taken to a locker or taxidermist, before the deer is processed for consumption, or before the deer is transported out-of-state ~~hunter leaves the state~~, whichever occurs first.
- b. Wild turkey. A harvest report must be made no later than midnight on the day after the turkey is killed, before the turkey is taken to a locker or taxidermist, before the turkey is processed for consumption, or before the turkey is transported out-of-state ~~hunter leaves the state~~, whichever occurs first.

ITEM 2. Amend subrule 571--95.2(481A), as follows:
571-95.2(481A) Verifying eligibility for free landowner or tenant licenses. Eligibility for free and reduced-fee deer and wild turkey hunting licenses, which are hereafter referred to as free licenses, is defined in Iowa Code section 483A.24 , rule 571-98.5 (483A) and rule 571-106.12 (481A). The electronic licensing system for Iowa (ELSI) will not issue free licenses to persons who have not registered their eligibility with ELSI. Registering once will enable a landowner or tenant and any eligible family members to receive all the free licenses for which the landowner or tenant is eligible for three years after the date of registration, provided their eligibility status does not change within the three year period.

ITEM 3. Amend subrule 571--95.2(2)(481A), as follows:

95.2(2) Who may obtain free licenses. One member of the landowner family (the landowner or an eligible family member) may obtain a free any-deer license. Members of the landowner family may divide the free antlerless-deer-only licenses for which the family is eligible among themselves in any way they choose. If there is a tenant on the same property, one member of the tenant family (the tenant or an eligible family member) may also obtain a free any-deer license. Members of the tenant family may divide the free antlerless-deer-only licenses for which they may be eligible among themselves in any way they choose. One member of ~~The~~ landowner family and one member of the tenant family may each obtain one free spring turkey hunting license and one free fall turkey hunting license.

ITEM 3. Amend subrule 571--95.2(4)(481A), as follows:
95.2(4) Information verifying eligibility. In order to register, a landowner, tenant or qualifying family member must have a customer record in ELSI, i.e., have already purchased a license

through ELSI. A person without an ELSI customer record must call the ELSI telephone ordering system to establish a customer record before registering. When registering, landowners, tenants and family members will be required to provide their ELSI customer number or their Iowa driver's license number or social security number and their date of birth to identify their ELSI customer record.

a. Landowners. A landowner shall provide the ~~taxpayer identification number (ID)~~ or parcel identification number (PIN) from the landowner's current property tax statement for one parcel of qualifying land owned by the landowner and the number of the county where the land is located. Qualifying family members shall be registered to the same parcel of qualifying land as the landowner.

b. Partnerships, corporations or other forms of joint land ownership. Each owner of a jointly owned farm unit and the owner's qualifying family members who wish to receive free licenses for that farm unit shall register with the same county number and ~~ID~~ or PIN number. Only one joint owner or family member may obtain the one any-deer license available for the farm unit. The other joint owner(s) and family members may divide any other free licenses to which they are entitled among themselves in any way they choose.

c. Tenants. A tenant shall provide an affidavit that contains the name, address, and telephone number of the owner of the qualifying land rented by the tenant; the county number where the land is located; and the landowner's ~~taxpayer ID~~ or PIN from one parcel of that qualifying land. If a tenant rents land from more than one landowner, the tenant shall provide the required information about only one landowner. The tenant's qualifying family members shall be registered to the same parcel of qualifying land as the tenant.

d. Signature required. Pursuant to Iowa Code Supplement section 483A.24 (2) "f," all affidavits submitted to register eligibility for free licenses shall bear the signature of the landowner, tenant, or family member attesting that the information contained therein is true.

Date

Richard A. Leopold, Director

Mr. Herring reviewed the changes to the rule and answered individual questions. Dale Garner added that this rule clarifies and adjusts to allow for parcel ID for qualification verification.

Motion was made by Commissioner Kramer to approve Notice of Intended Action—Chapter 95, Game harvest Reporting and Landowner-Tenant Registration. Seconded by Commissioner Garst. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 98, WILD TURKEY SPRING HUNTING

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve this Notice to amend Chapter 98, Wild Turkey Spring Hunting. The amendments clarify that the state forests are no longer special zones for resident and nonresident spring turkey hunting. The amendment allows nonresidents to hunt in all four seasons and adjusts the nonresident license quotas to divide the licenses between all four seasons. Nonresidents had not been allowed to hunt during the second season when the number of licenses for residents was limited. The total number of nonresident turkey licenses issued does not change.

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 98, "Wild Turkey Spring Hunting," Iowa Administrative Code.

These rules give the regulations for hunting wild turkeys during the spring and include season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements. The amendments clarify that the state forests are no longer special zones for resident and nonresident spring turkey hunting. The amendment allows nonresidents to hunt in all four seasons and adjusts the nonresident license quotas to divide the licenses between all four seasons. Nonresidents had not been allowed to hunt during the second season when the number of licenses for residents was limited. The total number of nonresident turkey licenses issued does not change.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 19, 2007. Written comments may be directed to the Wildlife Bureau's website at www.iowadnr.com or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515) 281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 19, 2007. Interested persons should contact the Department at (515)281-5918 for a list of hearing locations or go to the Department's website at www.iowadnr.com. At the hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend a public hearing and have special requirements such as those related hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These amendments are intended to implement Iowa Code sections 483A.38, 483A.39, 483A.48 and 483A.7.

The following amendments are proposed.

ITEM 1. Amend rule 571--98.2(3)(483A) as follows:

98.2(3) Zones. A person with a resident wild turkey spring hunting license may take wild turkey statewide. ~~in designated areas in accordance with the type of license issued. A person with an~~

~~archery only license may take wild turkey statewide. A person with a paid combination shotgun or archery license may take wild turkey in one of four zones described as follows:~~

- ~~a. Zone 1. Zone 1 is all units of Stephens State Forest west of U.S. Highway 65 in Clarke and Lucas Counties only.~~
- ~~b. Zone 2. Zone 2 is Shimek State Forest in Lee and Van Buren Counties only.~~
- ~~c. Zone 3. Zone 3 is Yellow River State Forest in Allamakee County only.~~
- ~~d. Zone 4. Zone 4 is all of Iowa except for those areas described by Zones 1, 2 and 3.~~

ITEM 2. Amend subrule 571--98.9(2)(483A) as follows:

98.9(2) Seasons. Bearded (or male) wild turkey may be taken only by the use of shotguns, muzzleloading shotguns, and bow and arrow during the first, second, third or fourth seasons as defined in 98.2(4) "a." ~~No nonresident hunting licenses will be issued for the second season.~~

ITEM 3. Amend rule 571--98.10(483A) as follows:

571-98.10(483A) Zones open to hunting. Licenses shall be valid only in designated areas as follows:

- ~~1. Zone 1. Zone 1 is all units of Stephens State Forest in Clarke and Lucas Counties west of U.S. Highway 65.~~
- ~~2. Zone 2. Zone 2 is the Shimek State Forest in Lee and Van Buren Counties only.~~
- ~~3. Zone 3. Zone 3 is the Yellow River State Forest in Allamakee County only.~~
- ~~4. Zone 4. Zone 4 is that portion of Iowa bounded on the north by Interstate Highway 80 and on the west by U.S. Highway 59, with the exception of the areas described as Zone 1 and Zone 2.~~
- ~~5 2. Zone 5. Zone 5 is that portion of Iowa bounded on the north by U.S. Highway 20 and on the east by U.S. Highway 59.~~
- ~~6 3. Zone 6. Zone 6 is that portion of Iowa lying east of U.S. Highway 63 and north of Interstate Highway 80, with the exception of that area described as Zone 3.~~
- ~~7 4. Zone 7. Zone 7 is that portion of Iowa bounded on the north by U.S. Highway 20, on the west by U.S. Highway 59, on the south by Interstate Highway 80, and on the east by U.S. Highway 63.~~
- ~~8 5. Zone 8. Zone 8 is that portion of Iowa north of U.S. Highway 20 and west of U.S. Highway 63.~~

ITEM 4. Amend rule 571--98.11(1)(483A) as follows:

571-98.11(483A) License quotas. A limited number of wild turkey hunting licenses will be issued in each zone in each season as follows:

98.11(1) Combination shotgun-or-archery licenses.

- ~~a. Zone 1. Closed.~~
- ~~b. Zone 2. Closed.~~
- ~~c. Zone 3. Closed.~~
- ~~d. Zone 4. 350 262.~~
- ~~e b. Zone 5. 75 55.~~
- ~~f c. Zone 6. 220 165.~~
- ~~g d. Zone 7. 46 35.~~
- ~~h e. Zone 8. 25 20.~~

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1 and 483A.7.

Date

Richard A. Leopold, Director

Mr. Herring reviewed that the amendments to this rule clarify that the state forests are no longer special zones for resident and nonresident spring turkey hunting. The rule change also allows nonresidents to hunt in all four seasons and adjusts the nonresident license quotas to divide the licenses between all four seasons.

Motion was made by Commissioner Francisco to approve Notice of Intended Action—Chapter 98, Wild Turkey Spring Hunting. Seconded by Commissioner Kramer. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 99, WILD TURKEY FALL HUNTING BY RESIDENTS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve this Notice to amend Chapter 99, Wild Turkey Fall Hunting by Residents. These amendments eliminate the state forest zones during the fall season which makes the regulations for the fall season consistent with the spring season. The amendments also add 200 licenses to Zone 5 in western Iowa.

NATURAL RESOURCE COMMISSION [571] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 99, “Wild Turkey Fall Hunting by Residents,” Iowa Administrative Code.

These amendments eliminate the state forest zones during the fall season which makes the regulations for the fall season consistent with the spring season. The amendments also add 200 licenses to Zone 5 in western Iowa.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 19, 2007. Written comments may be directed to the Wildlife Bureau's website at www.iowadnr.com or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515) 281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515) 281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office

Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 19, 2007. Interested persons should contact the department at 515-281-5918 for a list of hearing locations or go to the department's website at www.iowadnr.com. At the hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The following amendment is proposed.

ITEM 1. Amend subrule 571--99.4(481A) as follows:

571-99.4(481A) Zones. Wild turkey may be taken with a combination shotgun-or-archery license only in the following zones:

~~99.4(1) Zone 1. Zone 1 is that portion of Stephens State Forest west of U.S. Highway 65 in Lucas and Clarke Counties.~~

~~99.4(2) Zone 2. Zone 2 is the Shimek State Forest in Lee and Van Buren Counties.~~

~~99.4(3) Zone 3. Zone 3 is that portion of the Yellow River State Forest in Allamakee County.~~

99.4(~~4~~ 1) Zone 4. Zone 4 is that portion of Iowa bounded on the north by Interstate Highway 80 and on the west by U.S. Highway 59.

99.4(~~5~~ 2) Zone 5. Zone 5 is that portion of Iowa bounded on the east by U.S. Highway 59 and on the north by U.S. Highway 20.

99.4(~~6~~ 3) Zone 6. Zone 6 is that portion of Iowa bounded on the south by Interstate Highway 80 and on the west by U.S. Highway 63.

99.4(~~7~~ 4) Zone 7. Zone 7 is that portion of Iowa bounded on the north by U.S. Highway 20, on the west by U.S. Highway 59, on the south by Interstate Highway 80 and on the east by U.S. Highway 63.

99.4(~~8~~ 5) Zone 8. Zone 8 is that portion of Iowa bounded on the south by U.S. Highway 20, on the east by U.S. Highway 63, and on the west by U.S. Highway 69.

99.4(~~9~~ 6) Zone 9. Zone 9 is that portion of Iowa bounded on the south by U.S. Highway 20 and on the east by U.S. Highway 69.

ITEM 2. Amend subrule 571--99.5(1)(481A) as follows:

571-99.5(481A) Quotas.

99.5(1) Combination shotgun-or-archery licenses. A limited number of paid combination shotgun-or-archery licenses will be issued by zone as follows:

~~a. Zone 1. 50~~

~~b. Zone 2. 50~~

~~c. Zone 3. 50~~

~~d a.~~ Zone 4. 4,500

~~e b.~~ Zone 5. ~~500~~ 700

~~f c.~~ Zone 6. 3,000

~~g d.~~ Zone 7. 400

~~h e.~~ Zone 8. 150

if. Zone 9. 200

Date

Richard A. Leopold, Director

Dale Garner explained the reasons for the extra 200 licenses in Zone 5.

Motion was made by Commissioner Kramer to approve Notice of Intended Action—Chapter 99, Wild Turkey Fall Hunting by Residents. Seconded by Commissioner Francisco. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 106, DEER HUNTING BY RESIDENTS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve this Notice to amend Chapter 106, Deer hunting by residents. The amendments list tentative county quotas for antlerless deer licenses and the counties that will be open during the November and January antlerless season. The antlerless quotas and open counties could change if results of ongoing population surveys indicate they need to be changed to meet the department's objective of controlling the deer population. The amendments simplify the language describing who can obtain antlerless deer licenses and when they may be issued. The dates for the youth and special disabled hunter deer season were made consistent with Chapter 94. The amendments remove the 6 shot clip restriction on center-fire rifles for the January antlerless season. The amendments add a requirement that hunters in ground blinds during the shotgun seasons display solid blaze orange on the exterior of the blind. The amendments clarify the procedures used by the depredation program when writing depredation plans and issuing depredation licenses or shooting permits.

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 106, "Deer Hunting by Residents," Iowa Administrative Code.

The amendments list tentative county quotas for antlerless deer licenses and the counties that will be open during the November and January antlerless season. The antlerless quotas and open counties could change if results of ongoing population surveys indicate they need to be changed to meet the department's objective of controlling the deer population. The amendments simplify the language describing who can obtain antlerless deer licenses and when they may be issued. The dates for the youth and special disabled hunter deer season were made consistent

with Chapter 94. The amendments remove the 6 shot clip restriction on center-fire rifles for the January antlerless season. The amendments add a requirement that hunters in ground blinds during the shotgun seasons display solid blaze orange on the exterior of the blind. The amendments clarify the procedures used by the depredation program when writing depredation plans and issuing depredation licenses or shooting permits.

The Commission gives notice that the final rule may have to be changed substantially from this Notice of Intended Action depending on the outcome of deer population surveys. If surveys indicate the deer harvest must be substantially increased or reduced in some regions to meet the department's goals for herd management, additional changes may be made. Such changes could include season dates, bag limits, antlerless-deer-only license quotas, number and type of seasons, license types and other changes that may be deemed necessary.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 19, 2007. Written comments may be directed to the Wildlife Bureau's website at www.iowadnr.com or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 19, 2007. Interested persons should contact the Department at (515)281-5918 for a list of hearing locations or go to the Department's website at www.iowadnr.com. At the hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The following amendments are proposed.

ITEM 1. Amend subrule 571--106.6(2)(481A)," as follows:

106.6(2) Paid antlerless-deer-only licenses. Paid antlerless-deer-only licenses have quotas for each county and will be sold for each county until quotas are reached. ~~The season that may be hunted with paid antlerless deer only licenses and the number that may be purchased depend on the season for which any deer licenses have been purchased.~~

a. ~~— Bow season. A person who purchases a paid any deer bow license may purchase antlerless deer only licenses, but the type and number that may be purchased depend on the season for which the paid any deer firearm license is purchased (see paragraphs "b" through "f"). Prior to October 1, if no paid any deer firearm license is purchased, the following paid antlerless deer only licenses may be purchased in any combination: up to three paid antlerless deer only licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of antlerless deer only licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.~~

b. — ~~First regular gun season. Prior to October 1, a person who purchases a paid any deer license for the first regular gun season may purchase the following paid antlerless deer only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season, and late muzzleloader season. Up to three antlerless deer only licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of paid antlerless deer only licenses may be purchased for these seasons. A person obtaining a paid license for the first regular gun season may not obtain a paid license of any type for the second regular gun season.~~

c. — ~~Second regular gun season. Prior to October 1, a person who purchases a paid any deer license for the second regular gun season may purchase the following paid antlerless deer only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, second regular gun season and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of paid antlerless deer only licenses may be purchased for these seasons. A person obtaining a paid license for the second regular gun season may not obtain a paid license of any type for the first regular gun season.~~

d. — ~~Early muzzleloader season. Prior to October 1, a person who purchases an any deer license for the early muzzleloader season may purchase the following paid antlerless deer only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, early muzzleloader season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of paid antlerless deer only licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.~~

e. — ~~Late muzzleloader season. Prior to October 1, a person who purchases a paid any deer late muzzleloader season license may purchase the following paid antlerless deer only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.~~

f. — ~~Paid any deer license not purchased. Prior to October 1, a person who has not purchased a paid any deer license for any season may purchase the following antlerless deer only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of these licenses may be purchased. A person may not obtain paid licenses of any type for both regular gun seasons.~~

a. Paid antlerless-deer-only licenses may be purchased for any season in counties where licenses are available except as outlined in 571--106.6(2) b. They must be used in the season, county or deer population management area selected at the time the license is purchased.

b. No one may obtain paid licenses for both the first regular gun season and second regular gun season regardless of whether the licenses are valid for any-deer or antlerless-deer-only. Paid antlerless-deer-only licenses for the early muzzleloader season can only be purchased by hunters who have already purchased one of the 7,500 paid statewide any-deer licenses or obtained a free any-deer licenses for the early muzzleloader season.

c. Prior to September 15 a hunter may purchase 1 antlerless-deer-only license for any season for which they are eligible. Beginning September 15 a hunter may purchase an unlimited number of antlerless-deer-only licenses for any season they are eligible as defined in 571--106.6(2) b until the county or population management area quotas are filled. Licenses purchased for deer population management areas will not count in the county quota.

ITEM 3. Amend subrule 106.6(3) as follows:

106.6(3) November antlerless-deer-only season. Antlerless-deer-only licenses for the November antlerless-deer-only season shall be available in the following counties: Adair, Adams, Allamakee, Appanoose, Clarke, Clayton, Davis, Decatur, Des Moines, Fremont, Guthrie, Henry, Jefferson, Lee, Lucas, Mills, Monroe, Montgomery, Page, Ringgold, Taylor, Union, Van Buren, Wapello, Wayne, and Winneshiek. Beginning the second Saturday prior to the opening of the November antlerless-deer-only season, an unlimited number of paid antlerless-deer-only licenses may be purchased for the November antlerless-deer-only season. These licenses may be obtained regardless of any other paid any-deer or paid antlerless-deer-only licenses that may have been obtained. Licenses will be sold until county quotas are filled.

ITEM 4. Amend subrule 571--106.6(4) as follows:

106.6(4) January antlerless-deer-only licenses. Antlerless-deer-only licenses for the January antlerless-deer-only season shall be available in the following counties: Adair, Adams, Allamakee, Appanoose, ~~Benton, Bremer, Buchanan, Cass, Cedar, Chickasaw,~~ Clarke, Clayton, ~~Clinton, Dallas,~~ Davis, Decatur, ~~Delaware,~~ Des Moines, ~~Dubuque, Fayette,~~ Fremont, Guthrie, ~~Harrison,~~ Henry, ~~Howard, Iowa, Jackson, Jasper,~~ Jefferson, ~~Jones, Johnson, Keokuk,~~ Lee, ~~Linn, Louisa,~~ Lucas, ~~Madison, Mahaska, Marion,~~ Mills, ~~Monona,~~ Monroe, Montgomery, ~~Muscatine,~~ Page, ~~Polk, Pottawattamie, Poweshiek,~~ Ringgold, ~~Scott,~~ Taylor, Union, Van Buren, Wapello, ~~Warren, Washington,~~ Wayne, and Winneshiek, and Woodbury. Prior to ~~October 4~~ September 15, a person may purchase ~~up to three~~ one antlerless-deer-only licenses for the January antlerless-deer-only season. Beginning ~~October 4~~ September 15, an unlimited number of licenses may be obtained until quotas are filled. January antlerless-deer-only licenses may be obtained regardless of any other deer licenses that may have been obtained.

ITEM 5. Amend subrules 571--106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county as follows:

County	Quota	County	Quota	County	Quota
Adair	1500	Floyd	250	Monona	650
Adams	1650	Franklin	150	Monroe	2500
Allamakee	3750	Fremont	850	Montgomery	800
Appanoose	3000	Greene	150	Muscatine	1500
Audubon	100	Grundy	0	O'Brien	0
Benton	1000	Guthrie	2500	Osceola	0
Black Hawk	0	Hamilton	100	Page	1100
Boone	500	Hancock	0	Palo Alto	0
Bremer	500	Hardin	400	Plymouth	150
Buchanan	300	Harrison	700	Pocahontas	0

Buena Vista	0	Henry	1900	Polk	750
Butler	250	Howard	800	Pottawattamie	1100
Calhoun	0	Humboldt	0	Poweshiek	750
Carroll	100	Ida	0	Ringgold	2250
Cass	600	Iowa	1200	Sac	0
Cedar	1000	Jackson	1600	Scott	1100
Cerro Gordo	0	Jasper	950	Shelby	200
Cherokee	0	Jefferson	1800	Sioux	150
Chickasaw	600	Johnson	1900	Story	400
Clarke	1250	Jones	1400	Tama	800
Clay	0	Keokuk	1500	Taylor	2100
Clayton	4500	Kossuth	0	Union	1500
Clinton	1200	Lee	2500	Van Buren	4000
Crawford	150	Linn	1700	Wapello	2000
Dallas	1500	Louisa	1500	Warren	1150
Davis	3000	Lucas	1050	Washington	1900
Decatur	2500	Lyon	0	Wayne	2500
Delaware	1200	Madison	1500	Webster	100
Des Moines	2000	Mahaska	1100	Winnebago	0
Dickinson	0	Marion	1200	Winneshiek	3000
Dubuque	2000	Marshall	500	Woodbury	750
Emmet	0	Mills	850	Worth	100
Fayette	2000	Mitchell	250	Wright	0

ITEM 6. Amend subrule 571--106.7(5) as follows:

106.7(5) January antlerless-deer-only season. Bows, shotguns, muzzleloaders and handguns as described in this rule may be used during the January antlerless-deer-only season. Centerfire rifles .24 caliber or larger may be used ~~during the last seven days of the season~~ in the southern two tiers of counties. ~~For deer hunting, semiautomatic rifles may have no more than six rounds in the chamber and magazine combined.~~

ITEM 7. Add subrule 571--106.7(8) as follows:

106.7(8) Ground blinds – No person shall use a ground blind for hunting deer during the regular gun deer seasons unless such blind exhibits a solid blaze orange marking visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. As used in this rule, “ground blind” is defined as a constructed place of concealment used for the purpose of hiding a person who is hunting from sight. A ground blind is not a naturally occurring feature that a hunter merely uses for concealment.

ITEM 8. Amend subrule 571--106.10(2) as follows:

106.10(2) Season dates. Deer of either sex may be taken statewide during ~~the 16 day period that ends on the first Sunday in October~~ 16 consecutive days beginning on the third Saturday in September.

ITEM 9. Amend subrule 571--106.11(481A) as follows:

571-106.11(481A) Deer depredation management. The deer depredation management program provides assistance to producers through technical advice and additional deer licenses and permits where the localized reduction of female deer is needed to reduce damage. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops may be issued deer depredation permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation permits may be issued before an agreement is signed. Further permits will not be authorized until an agreement is signed.

106.11(1) Method of take and other regulations. Legal weapons and restrictions will be governed by 571-106.7 (481A). For deer shooting permits only, there are no shooting hour restrictions but taking deer with an artificial light is prohibited by Iowa code 481A.93. The producer or designee must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122 .

106.11(2) Eligibility. Producers growing typical agricultural crops (such as corn, soybeans, hay and oats and tree farms and other forestlands under a timber management program) and producers of high-value horticultural crops (such as Christmas trees, fruit or vegetable crops, nursery stock, and commercially grown nuts) shall be eligible to enter into depredation management agreements if these crops sustain excessive damage.

a. The producer may be the landowner or a tenant, whoever has cropping rights to the land.

b. Excessive damage is defined as crop losses exceeding \$1,000 in a single growing season, or the likelihood that damage will exceed \$1,000 if preventive action is not taken, or a documented history of at least \$1,000 damage annually in previous years.

c. Producers who lease their deer hunting rights and have restricted access are not eligible for the deer depredation management program.

d. Rub damage from bucks in Conservation Reserve Program tree plantings or naturally occurring woodlands will not be considered as a portion of the required \$1000 damage threshold to qualify for the deer depredation program. Rubs will be considered qualifying damage on commercial tree and Christmas tree farms.

e. Crops in confined storage areas (such as hay, grain, silage, corn gluten, etc.) will not be considered eligible unless exclusionary measures (such as fencing, gates, etc.) have been implemented to protect the agricultural product.

106.11(3) Depredation management plans. Upon request from a producer, field employees of the wildlife bureau will inspect and identify the type and amount of crop damage sustained from deer. If damage is not excessive, technical advice will be given to the producer on methods to reduce or prevent future damage. If damage is excessive and the producer agrees to participate, a written depredation management plan will be developed by depredation biologists ~~the field employee~~ in consultation with the producer.

a. The goal of the management plan will be to reduce damage to below excessive levels within a specified time period through a combination of producer-initiated preventive measures and the issuance of deer depredation permits.

(1) Depredation plans written for producers of typical agricultural crops may require preventive measures such as harassment of deer with pyrotechnics and cannons, guard dogs, temporary fencing, allowing more hunters, increasing the take of antlerless deer, and other measures that may prove effective.

(2) Depredation plans written for producers of high-value horticultural crops may include all of the measures in (1) above, plus permanent fencing where necessary. Fencing will not be required if the cost of a fence exceeds \$1,000.

(3) Depredation permits to shoot deer may be issued to Iowa residents ~~only~~ to temporarily reduce deer numbers until long-term preventive measures become effective. Depredation permits will not be used as a long-term solution to deer damage problems.

b. Depredation management plans will normally be written for a three-year period with progress reviewed annually by the department and the producer.

(1) The plan will become effective when signed by the depredation biologist ~~field employee of the wildlife bureau~~ and the producer.

(2) Plans may be modified or extended if mutually agreed upon by the department and the producer.

(3) Depredation permits will not be issued after the initial term of the management plan if the producer fails to implement preventive measures outlined in the plan.

106.11(4) Depredation permits. Three types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued in blocks of five licenses up to the number specified in the management plan.

(2) Depredation licenses may be sold to individuals designated by the producer as having permission to hunt. No individual may obtain more than ~~two~~ three depredation licenses per management plan. Licenses will be sold by designated department field employees.

~~(3) A depredation license issued to the producer or producer's family member may be the one free license for which the producer's family is eligible annually.~~

~~(4)~~ (3) Depredation licenses will be valid only for hunting antlerless deer, unless otherwise specified in the management plan, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

~~(5)~~ (4) Hunters may keep any deer legally tagged with a depredation license.

~~(6)~~ (5) All other regulations for the hunting season specified on the license will apply.

~~(7)~~ (6) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in subparagraph (8-7). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

~~(8)~~ (7) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation. Depredation permits issued to producers within the block hunt zone are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt boundaries. Creation of a given block hunt area does not authorize trespass.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

- (2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.
 - (3) Permits available to producers of high-value horticultural crops ~~will~~ may allow taking deer from August 1 through March 31. Permits issued for August 1 through August 31 shall be valid only for taking antlered deer. Permits issued for September 1 through March 31 may be valid for taking any deer, antlerless deer or antlered deer, depending on the nature of the damage.
 - (4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved maintains a deerproof fence and signs an agreement with the department. Disposal of deer killed under these permits shall be coordinated with the local conservation officer.
 - (5) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.
 - (6) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.
 - (7) Shooters must wear blaze orange and comply with all other applicable laws and regulations pertaining to shooting and hunting.
- c. Agricultural depredation shooting permits. Agricultural depredation shooting permits will be issued to a landowner or designated tenant who is a resident of Iowa who has sustained at least \$1,000 of damage to agricultural crops if the resident ~~is cooperating with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) to reduce crop damage by deer or~~ has an approved DNR deer depredation plan.
- (1) Agricultural depredation shooting permits will be issued to the resident landowner or designated tenant at no cost and shall be valid only on the farm unit where the damage is occurring.
 - (2) Permits issued to the resident landowner or designated tenant shall allow the taking of antlerless deer from September 1 through November 30. The number of permits issued to individual landowners or tenants will be determined by a department depredation biologist and will be part of the deer depredation management plan.
 - (3) Deer taken on these permits must be taken by the resident landowner or the designated tenant only.
 - (4) Times, places, and other restrictions will be specified on the permit.
 - (5) Shooters must wear blaze orange and comply with all other applicable laws and regulations.
 - (6) For agricultural depredation shooting permits there are no shooting hour restrictions but taking deer with an artificial light is prohibited by Iowa code 481A.93.
 - (7) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.
 - (8) Agricultural depredation shooting permits will be valid only on the land where damage is occurring.
- d. Rescinded IAB 5/29/02, effective 7/3/02.
- e. Depredation licenses, agricultural depredation shooting permits and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.
- f. Depredation licenses, agricultural depredation shooting permits and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd.

106.11(5) Disposal. It shall be the producer's responsibility for shooting permits, ~~excluding those issued for public safety~~, and for agricultural depredation shooting permits to see that all deer are field dressed and removed immediately from the field. Dead deer must be handled for consumption, and the producer must coordinate through the local conservation officer the disposal of deer offered to the public. Charitable organizations will have the first opportunity to take deer offered to the public. No producer shall keep more than two deer taken under depredation shooting permits. By express permission from a DNR enforcement officer, the landowner may dispose of deer carcasses through a livestock sanitation facility.

Date

Richard A. Leopold, Director

Dale Garner explained that the rule appears to have many changes but most of the changes were made to clarify the language or because of safety issues. He said the depredation program is also being reviewed.

Commissioner Garst remarked that in the vocabulary sense, the opposite of restricted access is public hunting. So, when reading the rule, she inferred that a person had to have public access hunting or they could not get a depredation permit. She suggested that this wording be made clearer.

Mr. Garner explained that in this case restricted access is when only one or two individuals are allowed on your property. He added that staff prepares a management plan by sitting down with the individual and discussing the problem and decide how many deer can be taken. In this particular case, if there is a contract signed with an individual to allow no other access that is restricted access. Garner also talked about the CRP programs which are supported by federal cost share money, of which a part is to plant trees for wildlife, but deer damage becomes a problem on that property. He said that as long as the owner is in the contract phase, there is no market value of that tree planted, creating difficulty in determining the value of the damage. Garner said it is important to have a rule to ensure the guidelines and program is being followed.

Commissioner Garst asked that the vocabulary and language in 106.11(4) f be worked revised to be clearer. In addition, she asked that tagging requirements for group hunt rules be looked at. Group hunt rules were discussed.

Motion was made by Commissioner Kramer to approve Notice of Intended Action—Chapter 106, Deer Hunting by Residents. Seconded by Commissioner Moore. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 107, RABBIT AND SQUIRREL HUNTING

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve this Notice to amend Chapter 107, Rabbit and Squirrel Hunting. These amendments change the starting date for the cottontail rabbit and squirrel hunting seasons to the Saturday before Labor Day.

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 107, "Rabbit and Squirrel Hunting," Iowa Administrative Code.

These amendments change the starting date for the cottontail rabbit and squirrel hunting seasons to the Saturday before Labor Day.

Any interested person may make written suggestions or comments on the proposed amendment on or before April 19, 2007. Written comments may be directed to the Wildlife Bureau's website at www.iowadnr.com or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 19, 2007. Interested persons should contact the Department at (515)281-5918 for a list of hearing locations or go to the Department's website at www.iowadnr.com. Persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.5, 481A.6, 481A.8 and 481A.39.

The following amendment is proposed.

Item 1. Amend rule 571--107.1(481A) as follows:

571-107.1(481A) Cottontail rabbit season. Open season for hunting cottontail rabbits shall be from the Saturday before Labor Day ~~first day of September~~ through February 28 of succeeding year. Bag limit shall be 10 per day; possession limit 20. Legal hunting hours shall be from sunrise to sunset. Entire state open.

Item 2. Amend rule 571--107.3(481A) as follows:

571-107.3(481A) Squirrel season. Open season for hunting squirrels (fox and gray) shall be from the Saturday before Labor Day ~~first day of September~~ through January 31 of succeeding year. Bag limit shall be 6 squirrels per day; possession limit 12. Entire state open.

Date

Richard A. Leopold, Director

Dale Garner reviewed that the rule change moves the starting date for the cottontail rabbit and squirrel hunting seasons to the Saturday before Labor Day.

Motion was made by Commissioner Francisco to approve Notice of Intended Action—Chapter 107, Rabbit and Squirrel Hunting. Seconded by Commissioner Moore. Motion carried unanimously.

NOTICE APPROVED

IMMUNOCONTRACEPTIVES

Dale Garner provided information on immunocontraceptives, national activities and pending legislation.

“USE OF DRUGS ON NONCAPTIVE VERTABRATE WILDLIFE”

Traditional methods for reducing overabundant wildlife, such as hunting and trapping, are often restricted or infeasible in urban and suburban areas. For the past 11 years, scientists with the U.S. Department of Agriculture’s (USDA) National Wildlife Research Center (NWRC) have been working to develop a single-shot, multiyear contraceptive for white-tailed deer. This research has resulted in the development of GonaCon™, a new gonadotropin-releasing hormone (GnRH) immunocontraceptive vaccine.

Because of the licensing requirements for this drug and others, State Wildlife Agencies were tasked by the Association of Fish and Wildlife Agencies, under advisement of the Association’s Legal Staff, to look at their respective State Codes and determine whether or not the State Wildlife Agency had regulatory authority to control the use of these chemicals on free ranging wildlife. While the Code of Iowa gives authority to the Department of Natural Resources for maintaining biological balance which includes setting seasons, method of take... it does not specifically mention the use of chemicals for fertility control, disease prevention or treatment, immobilization or growth stimulation.

GonaCon™—Birth Control for Deer: Questions and Answers

Q. What is GonaCon™?

A. GonaCon™ is a new gonadotropin-releasing hormone (GnRH) immunocontraceptive vaccine developed by scientists at the USDA Wildlife Services’ NWRC.

Q. How does GonaCon work?

A. The single-shot, multiyear vaccine stimulates the production of antibodies that bind to GnRH. GnRH is a hormone in an animal's body that signals the production of sex hormones (e.g., estrogen, progesterone, and testosterone). By binding to GnRH, the antibodies reduce GnRH's ability to stimulate the release of these sex hormones. All sexual activity is decreased, and animals remain in a nonreproductive state as long as a sufficient level of antibody activity is present.

Q. How does GonaCon stimulate the production of antibodies?

A. GonaCon causes an animal's body to make antibodies against its own GnRH. To do this, GnRH is synthesized and hooked to a foreign protein. This material looks like a giant, new molecule that the animal's immune system has never encountered. As a result, when it is injected into the animal's body, the body's immune response neutralizes the hormone's function, resulting in infertility.

Q. What are the health effects associated with GonaCon?

A. The health effects associated with GonaCon are minimal. In field and pen studies, animals showed no evidence of inflammation at injection sites, and blood chemistry was similar among treatment and control groups. Vaccinated animals showed a decrease in sexual activity and breeding behavior.

Q. Are there any dangers or secondary hazards to humans or other animals that eat meat from vaccinated deer?

A. There is no danger associated with humans or wildlife eating deer that have been vaccinated with GonaCon. As with other vaccines, such as those used with livestock, both the vaccine and the antibodies produced are proteins. Once ingested, they are broken down by stomach acids and enzymes. After evaluating GonaCon, the Food and Drug Administration (FDA) determined there would be little risk to humans if meat from vaccinated deer was consumed. In fact, the FDA approved the slaughter of pigs vaccinated with GonaCon. Similar injectable hormone altering products are used routinely in livestock applications.

Q. How long does GonaCon last?

A. It depends upon the individual animal and its response to the vaccine. A single-shot of GonaCon has successfully kept female deer infertile for 2 to 4 years in pen studies. A second shot given the same year or in subsequent years can significantly increase effectiveness, potentially rendering deer infertile for life.

Q. What are the benefits of GonaCon?

A. Because it is a single-shot, multiyear vaccine, GonaCon may be a practical management tool. Deer need to be injected only once to become infertile for up to 4 years. A boost injection could increase effectiveness to almost 100% and increase longevity of the contraceptive effect. The vaccine can be used in urban and residential areas, where other management methods, such as hunting, are not an option.

Q. What are the limitations of GonaCon?

A. GonaCon must be injected into the muscle or tissue of each animal.

Q. How much does GonaCon cost?

A. The vaccine itself only costs \$2–\$10 per dose. The main cost of using GonaCon is associated with the time and money required to capture and vaccinate the deer. The estimated cost of vaccinating a deer ranges from \$500 to \$1,000 if capture and marking are required. If marking individual deer is not required and groups of animals can be vaccinated by remote injection, costs would be much lower.

Q. Is GonaCon currently available to Federal, State, and local wildlife management agencies?

A. No. Once registered, GonaCon will be under the authority of the Environmental Protection Agency (EPA). NWRC hopes to submit a registration application to EPA in early 2007 and anticipates a product registration in early 2008.

Q. Who will be allowed to use GonaCon?

A. GonaCon will be registered as a “Restricted Use” product. Although final label language has not been negotiated with EPA, the product will be labeled for use by state or federal wildlife or natural resource management personnel or persons working under their authority. GonaCon users will need to follow state authorization processes.

Q. Will GonaCon eliminate the need for hunting to control deer overpopulation?

A. No. Contraception alone cannot reduce overabundant deer populations to healthy levels. GonaCon is a tool to be used in conjunction with other wildlife management methods.

Senate Study Bill 1112; HOUSE STUDY BILL 37

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act regulating the administration of drugs to certain
2 noncaptive vertebrate wildlife and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1408DP 82
5 av/je/5

PAG LIN

1 1 Section 1. NEW SECTION. 481A.40 USE OF DRUGS ON
1 2 NONCAPTIVE VERTEBRATE WILDLIFE == PENALTY.
1 3 1. For the purposes of this section, "drug" means any

1 4 chemical substance, other than food, that affects the
1 5 structure or biological function of any noncaptive vertebrate
1 6 wildlife species.

1 7 2. Except with written authorization from the director or
1 8 the director's designee or as otherwise provided by law, a
1 9 person shall not administer any drug to any noncaptive
1 10 vertebrate wildlife, including but not limited to drugs used
1 11 for fertility control, disease prevention or treatment,
1 12 immobilization, or growth stimulation.

1 13 3. This section does not prohibit the treatment of sick or
1 14 injured wildlife by a licensed veterinarian or holder of a
1 15 wildlife rehabilitation permit.

1 16 4. This section shall not be construed to limit employees
1 17 of agencies of the state, the United States, or local animal
1 18 control officers in the performance of their official duties
1 19 related to public health, wildlife management, or wildlife
1 20 removal. However, a drug shall not be administered by any
1 21 person for fertility control or growth stimulation except as
1 22 provided in subsection 2.

1 23 5. An officer of the department may take possession of or
1 24 dispose of any noncaptive vertebrate wildlife that the officer
1 25 reasonably believes has been administered drugs in violation
1 26 of this section.

1 27 6. A person who violates this section is guilty of a
1 28 serious misdemeanor.

1 29 EXPLANATION

1 30 This bill relates to the administration of drugs to certain
1 31 noncaptive vertebrate wildlife. For the purposes of the bill,
1 32 "drug" means any chemical substance, other than food, that
1 33 affects the structure or biological function of any noncaptive
1 34 vertebrate wildlife species.

1 35 The bill prohibits the administration of drugs to any
2 1 noncaptive vertebrate wildlife for any purpose, including but
2 2 not limited to fertility control, disease prevention or
2 3 treatment, immobilization, or growth stimulation, except with
2 4 written authorization from the department of natural resources
2 5 or as otherwise provided by law.

2 6 The bill does not prohibit a licensed veterinarian or
2 7 holder of a wildlife rehabilitation permit from treating sick
2 8 or injured wildlife. The bill also does not prohibit
2 9 government employees from carrying out their official duties
2 10 related to public health, wildlife management, or wildlife
2 11 removal.

2 12 The bill authorizes an officer of the department to take
2 13 possession of and dispose of any noncaptive vertebrate
2 14 wildlife that the officer reasonably believes has been
2 15 administered drugs in violation of the bill.

2 16 A person who violates the provisions of the bill is guilty
2 17 of a serious misdemeanor. A serious misdemeanor is punishable
2 18 by confinement for no more than one year and a fine of at
2 19 least \$315 but not more than \$1,875.

2 20 LSB 1408DP 82

2 21 av:rj/je/5.1

USE OF DRUGS ON NON-CAPTIVE VERTEBRATE WILDLIFE

This bill relates to the administration of drugs to certain non-captive vertebrate wildlife. For the purposes of the bill, "drug" means any chemical substance, other than food, that affects the structure or biological function of any non-captive vertebrate wildlife species.

The main intent of this bill is to regulate the use of fertility control drugs on free-roaming or non-captive wildlife. The use of contraceptive chemicals on wildlife populations, without appropriate oversight, could have unintended consequences on the populations. It could also cause threats to human health and safety because humans (and all mammals) could be affected by direct contact with the fertility control drugs. The methods of delivering the drugs are usually by remote injection, and the delivery darts could be found with drugs intact and create a human health hazard. (Please note that ingesting meat from animals treated with the drug will not adversely affect humans.)

The bill does not prohibit a licensed veterinarian or holder of a wildlife rehabilitation permit from treating sick or injured wildlife. The bill also does not prohibit government employees, animal rescue league pounds, or other qualified officials from carrying out their duties related to public health, wildlife management, or wildlife removal.

Traditional methods for reducing overabundant wildlife, such as hunting and trapping, are often restricted or infeasible in urban and suburban areas. For the past 11 years, scientists have been working to develop a single-shot, multiyear contraceptive for white-tailed deer, and the first version will soon be available. State wildlife agencies across the nation were tasked by the Association of Fish and Wildlife Agencies to look at their respective state codes. While the Code of Iowa gives authority to the Department of Natural Resources for maintaining biological balance for non-captive wildlife, which includes setting seasons and method of take, the code does not specifically mention the use of chemicals for fertility control, disease prevention, treatment immobilization, or growth stimulation. The proposed legislation will allow the department to regulate and control the use of these drugs for safety purposes and for the protection of the wildlife resources from unintended consequences.

INFORMATION ITEM

GENERAL DISCUSSION

Commissioner Francisco complimented Director Leopold on his radio program. He also expressed concern about the bill to split the department into two separate agencies. In addition, he stated that it is important for the Natural Resource Commission to start improving its visibility.

Resolution to Defer Legislation to Split DNR

<i>Motion was made by Commissioner Francisco to send a Resolution to the legislators as soon as possible as follows:</i>
--

The Iowa Natural Resource Commission believes that the complexities and cost analysis of splitting the Department of Natural Resources (Senate File 309) requires accurate and complete analysis. Therefore, the NRC recommends that any decision regarding splitting the DNR into two separate agencies be deferred until a complete evaluation of the proposal can be prepared and the results reviewed for a better understood. Seconded by Commissioner Kramer.

Director Leopold said he appreciates the intent of the motion and thinks it is appropriate. He suggested that the Resolution be sent to Governor Culver, legislative leadership in both the House and Senate and the Natural Resource Committee chairs.

Commissioner Garst commented that there is more involved than the expense and complexity of splitting or not splitting the department. She said it could mean that protection of natural resources in two different divisions could be contributed in different ways. She said it should be the same subject and not a divided subject.

Commissioner Kramer stated that the two commissions have begun to work together and communicate more. She said that process has begun and needs to continue.

MOTION CARRIED UNANIMOUSLY.

Commissioner Kramer asked for a status report on watershed and dredging work at Rock Creek Lake. Ken Herring said Tom Wilton or Mike McGhee will provide a detailed response.

NEXT MEETING DATES

The next meeting will be held at the Wapsi Environmental Center in Scott County.

ADJOURNMENT

Motion was made by Commissioner Francisco to adjourn the March 8, 2007 NRC meeting. Seconded by Commissioner Kramer. Meeting adjourned at 11:55 a.m..

Richard A. Leopold, Director

Joan Schneider, Chairperson

Elizabeth Garst, Secretary

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